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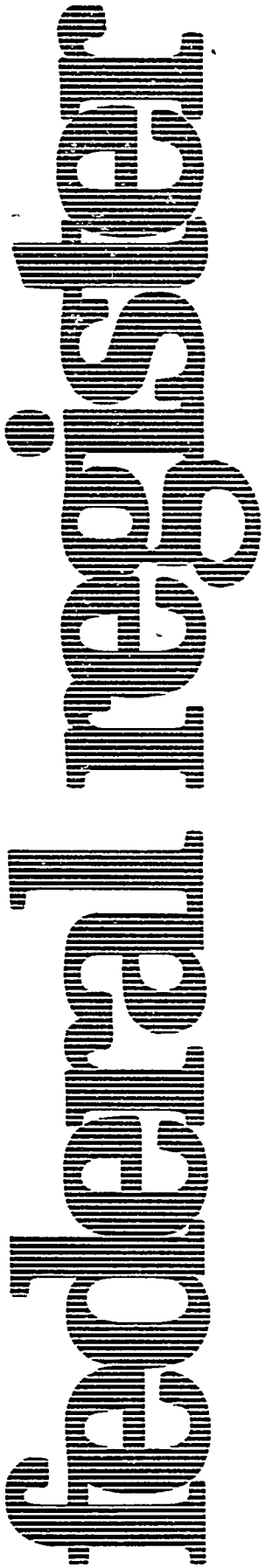

Friday
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Selected Subjects

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Selected Subjects

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A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

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Presidential Documents

Title 3—

The President

Proclamation 5270 of October 30, 1984

National Christmas Seal Month, 1984

By the President of the United States of America

A Proclamation

Chronic diseases of the lungs are responsible for large numbers of deaths and disabilities among Americans. More than 17 million people have chronic lung diseases, and an estimated 225,000 Americans will die this year from them. The cost to this Nation is nearly $30 billion in medical expenses and lost wages, and untold millions more in lost productivity.

Emphysema and chronic bronchitis afflict ten million Americans. Asthma affects another seven million people, two million of whom are children. Before the end of this decade, lung cancer will have surpassed breast cancer as the leading cause of cancer deaths among American women.

The American Lung Association (ALA), through its community lung associations, continues the tradition started in 1904 of leading the effort to control and prevent pulmonary diseases. The ALA is this Nation's first voluntary, nonprofit public health organization. Formed originally to combat tuberculosis, the ALA, together with its medical/scientific arm—the American Thoracic Society—now has widened its scope to include all forms of lung disease and its causes, including smoking, air pollution, and occupational hazards.

To help pioneer and develop health education and research programs aimed at better treatment and prevention of lung diseases, the ALA relies on the sale of Christmas Seals. The Association has used Christmas Seals since 1907 to raise funds through private contributions to continue its research programs.

This year, 60 million homes will receive Christmas Seals. The funds raised through the sale of Christmas Seals have enabled the ALA to provide many millions of dollars for research programs on the prevention and control of lung diseases. Christmas Seals also have allowed the ALA to conduct vigorous public campaigns against air pollution and cigarette smoking. The use of Christmas Seals on holiday mail is a visible reminder that chronic lung diseases remain a serious public health problem, but one that can be in large part prevented through research and public education.

To increase public awareness of chronic lung diseases and the benefits realized by the sales of Christmas Seals, the Congress, by Senate Joint Resolution 324, has designated the month of November as "National Christmas Seal Month" and authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of November 1984 as National Christmas Seal Month, and I call upon all government agencies and the people of the United States to observe this month with appropriate activities and by supporting the Christmas Seal program.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

Ronald Reagan

[FR Doc. 84-29006
Filed 10-31-84; 12:01 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 5271 of October 30, 1984

National Diabetes Month, 1984

By the President of the United States of America

A Proclamation

Diabetes mellitus is one of the most serious medical and public health problems challenging this Nation today. Approximately 11 million Americans suffer from this disease. Although careful treatment can control many of the short-term metabolic effects of diabetes, the disease is also associated with serious long-term complications that affect the eyes, kidneys, nervous system, and blood vessels. Physical, emotional, and financial consequences of this disease impose an enormous burden on its sufferers, their families, and the Nation in general. Diabetes-related health care, disability, and premature mortality alone cost more than $14 billion annually. The non-monetary costs are also staggering. Moreover, the prevalence of diabetes is increasing in the United States.

In recent years, there has been an enormous amount of progress in understanding, diagnosing, and treating diabetes. The National Diabetes Advisory Board, established by the Congress, has recently reported that "Not since the discovery of insulin over half a century ago has the outlook for clinical advances in the treatment and ultimate prevention and cure of diabetes been as promising as today." Researchers continue to discover clues to the causes of this disease and its complications. New and better forms of treatment are being developed and tested.

However, basic biomedical research and its translation into clinical practice still remain the bedrock of hope for discovering the ultimate answers to this complex disease and its myriad complications. The Federal government, in cooperation with the private sector, is deeply committed to supporting basic research on diabetes so that we can conquer this major public health problem for all present and future Americans.

To increase public awareness of diabetes and emphasize the need for continued research efforts, the Congress, by Senate Joint Resolution 299, has designated the month of November 1984 as "National Diabetes Month" and authorized and requested the President to issue a proclamation in observance of that month.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of November 1984 as National Diabetes Month, and I call upon all government agencies and the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

Ronald Reagan

[FR Doc. 84-29007
Filed 10-31-84; 12:02 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 5272 of October 30, 1984

National Hospice Month, 1984

By the President of the United States of America

A Proclamation

Hospice care is a humanitarian way for terminally ill patients to approach the end of their lives in relative comfort and dignity. Increasing numbers of patients have chosen to enter hospice programs in recent years because of the competent and compassionate care they provide outside of the hospital environment.

Hospices care for both patients and their families by attending to their physical, emotional, and spiritual needs. A team of physicians, nurses, social workers, pharmacists, counselors, and community volunteers work together to meet the needs of the terminally ill.

The importance of hospices as an integral part of our Nation's health care system is increasingly recognized. The growth of hospices was encouraged in November 1983 when the Federal government added hospice care to the benefits available to people under Medicare.

In order to encourage greater public recognition of hospice care, the Congress, by Senate Joint Resolution 334, has designated November 1984 as "National Hospice Month" and authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim November 1984 as National Hospice Month, and I call upon appropriate government officials, all citizens, and interested organizations and associations to observe this month with activities that recognize this important event.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

Ronald Reagan

[FR Doc. 84-29008
Filed 10-31-84; 12:03 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 5273 of October 30, 1984

Commemoration of the Great Famine in the Ukraine

By the President of the United States of America

A Proclamation

The Ukrainian famine of 1932–1933 was a tragic chapter in the history of the Ukraine, all the more so because it was not the result of disasters of nature, but was artificially induced as a deliberate policy.

The leaders of the Soviet Union, although fully aware of the famine in the Ukraine and having complete control of food supplies within its borders, nevertheless failed to take relief measures to check the famine or to alleviate the catastrophic conditions resulting from it. In complete disregard of international opinion, they ignored the appeals of international organizations and other nations.

More than seven million Ukrainians, and millions of others, died as the consequence of this callous act, which was part of a deliberate policy aimed at crushing the political, cultural, and human rights of the Ukrainian and other peoples by whatever means possible. The devastation of these years continues to leave its mark on the Ukrainian people and has retarded their economic, social, and political development to an enormous extent.

In making this a special day to honor those who were victims of this famine, we Americans are afforded as well another opportunity to honor our own system of government and the freedoms we enjoy and our commitment to the right to self-determination and liberty for all the peoples of the world. In so doing, let us also reaffirm our faith in the spirit and resilience of the Ukrainian people and condemn the system that has caused them so much suffering over the years.

The Congress, by House Concurrent Resolution 111, has urged the President to issue a proclamation in mournful commemoration of the great famine in the Ukraine during 1933.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate Sunday, November 4, 1984, as a Day of Commemoration of the Great Famine in the Ukraine in 1933.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

Ronald Reagan

[FR Doc. 84-29009
Filed 10-31-84; 12:04 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 5274 of October 30, 1984

National Drunk and Drugged Driving Awareness Week, 1984

By the President of the United States of America

A Proclamation

Driving impaired by alcohol or other drugs is one of our Nation's most serious public health and safety problems. Each year, drunk drivers account for tens of thousands of highway fatalities and hundreds of thousands of injuries.

This senseless carnage on our highways can be reduced through increased awareness of what can be done and a willingness to get involved in doing the right thing. We must not wait until personal tragedy strikes to become involved. It is too late for those who have already become the victims of the drunk drivers.

Strict law enforcement and just penalties are essential. Contrary to popular opinion, driving is not a right, but a privilege—which can and should be withdrawn when a drunken driver deliberately endangers others. We also need improved means of detecting intoxicated drivers before they cause an accident.

Statistics show that in many alcohol-related accidents, our young people are either the cause or the victim. In recognition of the considerable evidence that raising the legal drinking age reduces alcohol-related motor vehicle crash involvement among young drivers, the Federal government is encouraging each State to establish 21 as the minimum age at which individuals may purchase, possess, or consume alcoholic beverages. Many States have already raised the legal drinking age as a result of efforts of dedicated citizen volunteers and the growing awareness that motor vehicle accidents are the leading cause of death among young people.

We need informed, concerned citizens who are willing to get involved in generating awareness, education, and action to eliminate drunk and drugged drivers from our highways. With the continued involvement of private citizens working together, and action at all levels of government, we can begin to control the problem of drunken and drugged driving.

As the Presidential Commission on Drunk Driving recommended, we are seeking a long-term sustained effort that brings to bear the resources of our local, State and national levels of government. To that end, a National Commission on Drunk Driving has been formed to continue the work of the Presidential Commission.

In order to encourage citizen involvement in prevention efforts and to increase awareness of the seriousness of the threat to our lives and safety, the Congress, by Senate Joint Resolution 303, has designated the week of December 9 through 15, 1984, as "National Drunk and Drugged Driving Awareness Week."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of December 9 through 15, 1984, as National Drunk and Drugged Driving Awareness Week. I call upon each American to help make the difference between the needless tragedy of alcohol-related accidents and the blessings of health and life. I ask all Americans to remember and to urge others not to drink or take drugs and drive.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

Ronald Reagan

[FR Doc. 84-29010
Filed 10-31-84; 12:05 pm]
Billing code 3195-01-M

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 84-357]

Mediterranean Fruit Fly; Removal of Quarantine and Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document removes from the Domestic Quarantine Notices "Subpart—Mediterranean Fruit Fly" quarantine and regulations which quarantined Florida and imposed restrictions on the interstate movement of regulated articles from a regulated area in Dade County, Florida. The quarantine and regulations were established for the purpose of preventing the artificial spread of the Mediterranean fruit fly into noninfested areas of the United States. It has been determined that all infestations of Mediterranean fruit fly in Florida have been eradicated and the quarantine and regulations are no longer necessary. The effect of this action is to delete restrictions on the interstate movement of previously regulated articles from the previously regulated area in Dade County.

DATES: Effective date of this amendment November 2, 1984. Written comments concerning this interim rule must be received on or before January 2, 1985.

ADDRESSES: Written comments should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, 6505 Belcrest Road, Room 728, Federal Building, Hyattsville, MD 20782. Written comments received may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: B. Glenn Lee, Emergency Programs Coordinator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 611, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301), 436-6365.

SUPPLEMENTARY INFORMATION:

Emergency Action

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication of this interim rule without prior opportunity for a public comment period because otherwise there would be unnecessary restrictions imposed on the interstate movement of certain articles. This situation requires immediate action to delete such unnecessary restrictions.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that prior notice and other public procedure with respect to this interim rule are impracticable and contrary to the public interest; and good cause is found for making this interim rule effective less than 30 days after publication of this document in the Federal Register. Comments will be solicited for 60 days after publication of this document, and a final document discussing comments received and any amendments required will be published in the Federal Register as soon as possible.

Background

A document published in the Federal Register on July 3, 1984 (49 FR 27478-27485) set forth an interim rule amending Part 301 (Domestic Quarantine Notices) of Title 7 of the Code of Federal Regulations (7 CFR Part 301) by adding a new § 301.65, captioned "Subpart—Mediterranean Fruit Fly" quarantine and regulations [7 CFR 301.65 *et seq.*; hereinafter known as regulations]. The document quarantined the State of Florida and established regulations restricting the interstate movement of regulated articles out of a regulated area in Dade County, Florida, in order to prevent the artificial spread interstate of Mediterranean fruit fly. Subsequently, a document was published amending § 301.64-3 of the regulations deleting a portion of the designated regulated area from the list of regulated areas. (See 49 FR 40157-40158. This document deletes all of Subpart—Mediterranean Fruit Fly from Part 301.

The regulations designated a large number of fruits, nuts, vegetables, and berries as regulated articles and a portion of Dade County in Florida, as a regulated area. No other area was designated as a regulated area.

Based on trapping and sampling surveys conducted by inspectors of the U.S. Department of Agriculture and State agencies of Florida, it has now been determined that the Mediterranean fruit fly no longer occurs in Dade County. Specifically, the last finding of fruit flies was made on August 8, 1984. Since then no other fruit flies or other evidence of an infestation has been found. Based on departmental expertise, it has been determined that sufficient time has passed without finding additional fruit flies or other evidence of infestation to conclude that an infestation no longer exists in Dade County.

Further, trapping and sampling surveys indicate that the Mediterranean fruit fly does not exist in any other place in the United States.

Under these circumstances there is no longer a basis for imposing restrictions on the movement of articles from any area in Florida or elsewhere in the United States because of the Mediterranean fruit fly. Therefore, in order to relieve unnecessary restrictions on the interstate movement of certain articles, it is necessary to amend 7 CFR Part 301 by removing Subpart—Mediterranean Fruit Fly from the Domestic Quarantine Notices.

Executive Order 12291 and Regulatory Flexibility Act

This interim rule is issued in conformance with Executive Order 12291 and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this rule will have an effect on the economy of less than 100 million dollars; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will

not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this rulemaking action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

The Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This amendment deletes restrictions that had been imposed on the interstate movement of regulated articles from a portion of Dade County, Florida, approximately 27 square miles in size. It appears that there is very little commercial activity that occurs in this area. Specifically, it is comprised of private residences and small entities including approximately 4 nurseries and 45 small businesses including retail stores, street vendors, and open fruit stands. Although these are small entities, they sell regulated articles primarily for local intrastate, not interstate, movement. Further, the retail shops and nurseries sell other items in addition to the regulated articles so that the effect, if any, of deleting restrictions on the interstate movement of articles sold by these entities appears to be minimal.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases, Plant pests, Plants (Agriculture), Quarantine, Transportation, Mediterranean Fruit Fly.

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Mediterranean Fruit Fly [Removed]

Accordingly, "Subpart—Mediterranean Fruit Fly" (7 CFR 301.65 and 301.65–1 through 301.65–10) is removed.

Authority: Secs. 8 and 9, 37 Stat. 318, as amended (7 U.S.C. 161, 162); secs. 105 and 106, 71 Stat. 32, 71 Stat. 33 (7 U.S.C. 150dd, 150ee); 7 CFR 2.17, 2.51 and 371.2.

Done at Washington, D.C., this 29th day of October 1984.

William F. Helms,

Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 84-28771 Filed 11-1-84; 8:45 am]

BILLING CODE 3410-34-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 488]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 200,000 cartons during the period November 4–10, 1984. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: November 4, 1984.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy currently in effect. The committee met publicly on October 30, 1984, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that lemon demand is improving.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the Act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

Section 910.788 is added as follows:

§ 910.788 Lemon Regulation 488.

The quantity of lemons grown in California and Arizona which may be handled during the period November 4, 1984, through November 10, 1984, is established at 200,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 31, 1984.

Thomas R. Clark,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 84-29065 Filed 11-1-84; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

8 CFR Part 292

[AG Order No. 1071-84]

Requests for Recognition; Accreditation of Representatives

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This final rule amends the existing regulation governing requests by non-profit organizations for recognition by the Board of Immigration Appeals and accreditation of their representatives to practice before the Immigration and Naturalization Service and the Board (including practice before immigration judges). The new regulation restructures the procedures by requiring the filing of applications for recognition or accreditation directly with the Board, with proof of service of a copy of the application on the relevant district director. Thereafter, the district director has 30 days to submit a recommendation with the reasons therefor to the Board, or to request a specific amount of time in which to conduct an investigation.

The Board may approve the request for time to conduct an investigation or, on its own discretion, may remand the application to the district director for further information. The district director must serve a copy of all submissions to the Board on the organization concerned, and the organization is authorized 30 days to respond to any district director's submission, other than a favorable recommendation. The new rule authorizes oral argument before the Board in its discretion. Further, the new rule permits recognized organizations to seek accreditation of representatives to practice solely before the Service where an individual only has the requisite knowledge and experience for such practice. Where full accreditation is sought, the Board is authorized to approve an application for accreditation in whole or in part.

EFFECTIVE DATE: December 3, 1984.

FOR FURTHER INFORMATION CONTACT: David B. Holmes, Chief Attorney Examiner, Board of Immigration Appeals (703/756-6170).

SUPPLEMENTARY INFORMATION: The provisions of 8 CFR 292.2 (b) and (d) provide a procedure for non-profit religious, charitable, social service, or similar organizations established in the United States to make applications to the Board for recognition of their organizations and accreditation of their representatives to practice before the Service, the immigration judges, and the Board.

Under the prior regulation, requests for recognition of organizations and applications to accredit representatives of recognized organizations to practice before the Service and the Board were filed with a district director, regional commissioner or the Commissioner of the Immigration and Naturalization Service. The request or application was then forwarded by the Service to the Board of Immigration Appeals with a recommended action. There was no set time period for the forwarding of such requests an applications to the Board; no specific reference regarding an investigation by the Service; no requirement for the Service to serve a copy of its recommendation on the organization; and no authorization for oral argument before the Board. The new regulation is designed to address each of these areas.

These regulatory revisions were first offered for public review in a notice of proposed rulemaking, Attorney General Order No. 1037-83, published at 48 FR 53124 (November 25, 1983). The notice invited written public comments by December 27, 1983. In response to a request for an extension of the comment period, and in the interest of obtaining the broadest spectrum of public review, the period for public comments was subsequently extended until January 27, 1984.

Public response to the proposed regulation was diverse and generally favorable.

The most severe criticism of the proposed regulatory change came from a number of commentators who expressed the view that the growing complexity of immigration and nationality law and procedure necessitated the elimination of non-attorneys from practice in this area altogether to insure that individuals desiring representation before the Service, the immigration judges, and the Board receive "effective assistance of counsel." The new rule, however, offers improved procedures in that it provides a mechanism for the accreditation of individuals to practice solely before the Immigration and Naturalization Service where the individual only has the requisite knowledge and experience for such practice. The ability of accredited representatives to provide effective assistance to individuals is subject to continuing review.

The Service expressed the reservation that a portion of the proposed language contained in § 292.2(b) [*i.e.*, "If the Board approves a request for time to conduct an investigation, or in its discretion *directs the district director to conduct an investigation,* the organization shall be advised of the time granted for such purpose." (Emphasis added.)] unduly effects the district director's authority under 8 CFR 103.1(n) to manage the investigative activities in his district. In the final rule the language in question is amended to read: "If the Board approves a request for time to conduct an investigation, or in its discretion *remands the application to the district director for further information,* the organization shall be advised of the time granted for such purpose." (Emphasis added.) The revision does not remove the authority to require that additional information be provided by the Service, but provides the Service greater flexibility in its method of obtaining such information.

Two commentators noted that the prior version of § 292.2(d) required a recognized organization to set forth the nature and extent of its proposed representative's *experience and knowledge of immigration and naturalization law and procedure* (emphasis added), while the proposed version excludes the reference to naturalization law and procedure. This omission was inadvertent, and the error has been corrected in the final rule.

One commentator suggested that the portion of proposed § 292.2(b) that requires recognized organizations to promptly notify the Board of changes in their name or address be expanded to incorporate changes in their public telephone number. This suggestion has also been incorporated in the final rule.

A number of commentators offered five similar suggestions for changes in the proposed regulation. In summary, these included: a mandatory 30-day time limitation on the district director's conduct of an investigation into the merits of an application; a requirement that the district director's recommendaton to the Board include a statement of the evidence relied upon in reaching his or her conclusion; an organizational privilege to review the contents of the district director's investigative file; a mandatory 90-day time limitation on the Board's final decision regarding recognition or accreditation; and a mandatory full administrative evidentiary hearing in all denial cases.

The suggestion that rigid time limits be specified in the regulation for both the district director's investigation and the Board's final decision is unacceptable as unrealistically inflexible. The responsibilities and procedures in this area do not exist in a vacuum. Both district directors and the Board have numerous, significant, and critical responsibilities, which are not restricted by statutory or regulatory time requirements, in recognition of the necessary flexibility in allocating available resources between competing responsibilities to best meet the overall mission. Moreover, the new rule creates significant procedural improvements. The filing of applications directly with the Board, and Board regulation of response times, provides for better control over the application process in general and over the processing of individual applications on a case-by-case basis.

The suggestion that would require the district director to include a statement of the evidence relied upon in making his or her recommendation to the Board and would require making the investigatory file available to any applicant desiring to review it has not been adopted. These provisions are not deemed necessary or appropriate as the final rule provides both that a district director's recommendation be supported by a statement of the reasons underlying the recommendation and that the results of any investigation be submitted to both the Board and the organization. Accordingly, in its consideration of any application, the Board will not have any

evidence before it that has not been served on the relevant organization.

The last recommendation in this series, that a full evidentiary hearing be required in all denial cases, is also untenable. Considering the totality of the situation, including available resources, and the nature of the matter being sought, the existing organizational missions, and the procedures provided to present pertinent information regarding an application, the Department finds no demonstrated need to replace the existing provision in the final rule (authorizing oral argument in the discretion of the Board) with a mandatory full hearing requirement to resolve the issues raised in these applications.

In accordance with 5 U.S.C. 605(b), the Attorney General certifies that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Further, the rule is not a major rule within the definition of E.O. 12291 and is not subject to a regulatory impact analysis.

List of Subjects in 8 CFR Part 292

Administrative practice and procedure, Aliens.

PART 292—[AMENDED]

Accordingly, 8 CFR 292.2 is amended by revising paragraphs (b) and (d) as follows:

§ 292.2 Organizations qualified for recognition; requests for recognition; withdrawal of recognition; accreditation of representatives; roster.

* * * * *

(b) *Requests for recognition.* An organization having the qualifications prescribed in paragraph (a) of this section may file an application for recognition on a Form G–27 directly with the Board, along with proof of service of a copy of the application on the district director having jurisdiction over the area in which the organization is located. The district director, within 30 days from the date of service, shall forward to the Board a recommendation for approval or disapproval of the application and the reasons therefor, or request a specified period of time in which to conduct an investigation or otherwise obtain relevant information regarding the applicant. The district director shall include proof of service of a copy of such recommendation or request on the organization. The organization shall have 30 days in which to file a response with the Board to a recommendation by a district director that is other than favorable, along with proof of service of a copy of such response on the district director. If the Board approves a request for time to conduct an investigation, or in its discretion remands the application to the district director for further information, the organization shall be advised of the time granted for such purpose. The Service shall promptly forward the results of any investigation or inquiry to the Board, along with its recommendations for approval or disapproval and the reasons therefor, and proof of service of a copy of the submission on the organization. The organization shall have 30 days from the date of such service to file a response with the Board to any matters raised therein, with proof of service of a copy of the response on the district director. Requests for extensions of filing times must be submitted in writing with the reasons therefor and may be granted by the Board in its discretion. Oral argument may be heard before the Board in its discretion at such date and time as the Board may direct. The organization and Service shall be informed by the Board of the action taken regarding an application. Any recognized organization shall promptly notify the Board of any changes in its name, address, or public telephone number.

* * * * *

(d) *Accreditation of representatives.* An organization recognized by the Board under paragraph (b) of this section may apply for accreditation of persons of good moral character as its representatives. An organization may apply to have a representative accredited to practice before the Service alone or the Service and the Board (including practice before immigration judges). An application for accreditation shall fully set forth the nature and extent of the proposed representative's experience and knowledge of immigration and naturalization law and procedure and the category of accreditation sought. No individual may submit an application on his or her own behalf. An application shall be filed directly with the Board, along with proof of service of a copy of the application on the district director having jurisdiction over the area in which the requesting organization is located. The district director, within 30 days from the date of service, shall forward to the Board a recommendation for approval or disapproval of the application and the reasons therefor, or request a specified period of time in which to conduct an investigation or otherwise obtain relevant information regarding the applicant. The district director shall include proof of service of a copy of such recommendation or request on the organization. The organization shall have 30 days in which to file a response with the Board to a recommendation by a district director that is other than favorable, with proof of service of a copy of such response on the district director. If the Board approves a request for time to conduct an investigation, or in its discretion remands the application to the district director for further information, the organization shall be advised of the time granted for such purpose. The district director shall promptly forward the results of any investigation or inquiry to the Board, along with a recommendation for approval or disapproval and the reasons therefor, and proof of service of a copy of the submission on the organization. The organization shall have 30 days from the date of service to file a response with the Board to any matters raised therein, with proof or service of a copy of the response on the district director. Requests for extensions of filing times must be submitted in writing with the reasons therefor and may be granted by the Board in its discretion. Oral argument may be heard before the Board in its discretion at such date and time as the Board may direct. The Board may approve or disapprove an application in whole or in part and shall inform the organization and the district director of the action taken with regard to an application. The accreditation of a representative shall be valid for a period of three years only; however, the accreditation shall remain valid pending Board consideration of an application for renewal of accreditation if the application is filed at least 60 days before the third anniversary of the date of the Board's prior accreditation of the representative. Accreditation terminates when the Board's recognition of the organization ceases for any reason or when the representative's employment or other connection with the organization ceases. The organization shall promptly notify the Board of such changes.

* * * * *

Dated: October 19, 1984.

William French Smith,
Attorney General.

[FR Doc. 84–28660 Filed 11–1–84; 8:45 am]
BILLING CODE 4410–01–M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 81

[Docket No. 84-107]

Lethal Avian Influenza

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the list of areas quarantined in Pennsylvania under the Lethal Avian Influenza interim rule by adding as a quarantined area one premises in Lancaster County, and by deleting from quarantined area status one premises in Franklin County and one premises in Lancaster County. The interim rule imposes prohibitions and restrictions on the interstate movement from quarantined areas of live poultry, poultry eggs, and certain other items. It is necessary to add one premises in Lancaster County in Pennsylvania as a quarantined area for the purpose of helping to prevent the spread of lethal avian influenza. However, it is no longer necessary for such purpose to include as quarantined areas the two premises deleted from quarantined area status.

DATES: Effective date is October 26, 1984. Written comments must be received on or before January 2, 1985.

ADDRESS: Written comments should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 728 of the Federal Building, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. H.A. McDaniel, Chief Staff Officer, Technical Support Staff, VS, APHIS, USDA, Room 757, Federal Building, 6505 Belcrest Road Hyattsville, MD 20782, 301-436-8087

SUPPLEMENTARY INFORMATION:

Background

This document amends the "Lethal Avian Influenza" interim rule which is set forth in 9 CFR Part 81. Lethal avian influenza is defined as a disease of poultry caused by any form of H5 influenza virus that is determined by the Deputy Administrator to have spread from the 1983 outbreak in poultry in Pennsylvania. Among other things, the interim rule designates several premises in Pennsylvania as quarantined areas and prohibits or restricts certain interstate movements from these quarantined areas of live poultry, poultry eggs, and certain other items because of lethal avian influenza.

Effect of Designation as a Quarantined Area

With certain exceptions, the interim rule provides that the following articles designated as prohibited articles are prohibited from being moved interstate from a quarantined area:

(1) Live poultry,
(2) Manure from poultry, and
(3) Litter that has been used by poultry.

The interim rule also provides, with certain exceptions, that the following articles designated as restricted articles are allowed to be moved interstate from a quarantined area only in accordance with certain conditions:

(1) Poultry carcasses or parts thereof,
(2) Eggs from poultry, and
(3) Coops, containers, troughs or other accessories that have been used in the handling of poultry or poultry eggs.

Revision of Quarantined Areas in Pennsylvania

Prior to the effective date of this document, five premises in Pennsylvania were designated as quarantined areas—two in Berks County, one in Franklin County, and two in Lancaster County.

The following premises in Lancaster County is added as a quarantined area:

The Premises of David Sauder, RD #1, Box 192, East Earl, PA 17519, located in East Earl Township, approximately 7/10 of a mile west of Terre Hill on Centerville Road.

This premises had poultry that were found to be serologically positive for lethal avian influenza. The poultry from this premises have been depopulated. No poultry remain on the premises and the premises in being cleaned and disinfected. Also, sufficient time must elapse in order to ensure that the premises in free of lethal avian influenza. It is necessary to add only this premises in Lancaster County as a quarantined area for the purpose of helping to prevent the spread of lethal avian influenza.

The following premises in Franklin and Lancaster Counties are deleted from the list of quarantined areas:

Franklin County. The premises of Dwight Martin, 8933 Rowe Run Road, Schippensburg, PA 17257, located in South Hampton Township in Pinola at the junction of State Route 433 and Pinola Road.

Lancaster County. The premises of Luke Hess, Box 52, Willow Street, PA 17584, located in Pequea Township approximately 2 miles south of West Willow on Byerland Church Road.

The poultry on these premises have been depopulated and the premises have been cleaned and disinfected. Sufficient time has now elasped to ensure that these premises are free of lethal avian influenza virus. Under these circumstances there is no longer a basis for imposing prohibitions or restrictions because of lethal avian influenza on the interstate movement of live poultry or other items from these two premises.

With these changes the quarantined areas in Pennsylvania consist of two premises in Berks County and two premises in Lancaster County. No portion of Franklin County remains designated as a quarantined area. The revised list of quarantined areas is set forth in the rule portion of this document.

Emergency Action

Dr. John K. Atwell, Deputy Administrator of the Animal and Plant Health Inspection Service for Veterinary Services, has determined that an emergency situation exists which warrants publication of this interim rule without prior opportunity for public comment. Immediate action is warranted in order to add prohibitions and restrictions on the movement of live poultry and certain other items from one premises in Lancaster County in Pennsylvania, and thereby protect against the spread of lethal avian influenza. Also, immediate action is warranted in order to delete unnecessary prohibitions and restrictions on the movement of live poultry and certain other items from one premises in Franklin County and one premises in Lancaster County.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest; and good cause is found for making this interim rule effective upon signature. Comments are solicited for 60 days after publication of this document. A final document discussing comments received and any amendments required will be published in the Federal Register.

Executive Order and Regulatory Flexibility Act

This action has been reviewed in accordance with Executive Order 12291 and has been determined to be not a major rule. The Department has determined that this action will not have a significant effect on the economy and will not result in a major increase in costs or prices for consumers, individual

industries, Federal, State, or local government agencies, or geographic regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this rulemaking action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

The portion of the poultry industry affected by this document represents less than one percent of the poultry industry in the United States.

Under the circumstances explained above, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 9 CFR Part 81

Animal diseases, Poultry and poultry products, Transportation.

PART 81—LETHAL AVIAN INFLUENZA

Accordingly, § 81.4 of 9 CFR Part 81 is revised to read as follows:

§ 81.4 Quarantined areas.

Pennsylvania

(a) *Berks County*

(1) The premises of Fred Wright, RD #1, Box 100, Richland, PA 17087, located in Bethel Township approximately 2½ miles south of Bethel on Bordner Road.

(2) The premises of Fred Wright, RD #1, Box 100, Richland, PA 17087, located in Bethel Township approximately 2½ miles northwest of Bethel on Schubert Road.

(b) *Lancaster County*

(1) The premises of Harold Dice, RD #1, Box 125, Fredricksburg, PA 17026, located in Bethel Township approximately 5½ miles west of Fredricksburg on Legionaire Road [T 510].

(2) The premises of David Sauder, RD #1, Box 192, East Earl, PA 17519, located in East Earl Township approximately 9/10 of a mile west of Terre Hill on Centerville Road.

(Sec. 2, 23 Stat. 31, as amended; secs. 4–8, 23 Stat. 31–33, as amended; secs. 1–3, 32 Stat. 791, 792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; 41 Stat. 699; sec. 2, 65 Stat. 693; secs. 2–3, 5–6, and 11, 76 Stat. 129–132; 76 Stat. 663, 7 U.S.C. 450, 21 U.S.C. 111–113, 114a–1, 115–117, 119–126, 130, 134a, 134b, 134d, 134e, 134f; 7 CFR 2.17, 2.51, and 371.2(d))

Done at Washington, D.C., this 26th day of October, 1984.

K.R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 84-28892 Filed 11-1-84; 8:45 am]

BILLING CODE 3410-34-M

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9 CFR Part 92

[Docket No. 84-059]

Semen of Ruminants or Swine From Countries Where Rinderpest or Foot-and-Mouth Disease Exists

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the regulations concerning the importation into the United States of semen of ruminants or swine from countries where rinderpest or foot-and-mouth disease exists. The regulations are amended by changing the criteria for testing for foot-and-mouth disease and other infectious diseases in donor animals, by changing the criteria for determining which animals are eligible to be donor animals, and by changing provisions concerning the holding of the semen prior to the completion of the testing. These amendments are necessary to increase the reliability of testing for foot-and-mouth disease and other infectious diseases in the donor animals, and for relieving unnecessary restrictions on the importation of their semen.

DATES: Effective November 2, 1984. Written comments must be received on or before January 2, 1985.

ADDRESSES: Written comments should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. H.A. Kryder, Import/Export Animals and Products Staff, VS, APHIS, USDA, Room 839, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8530.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR 92.4[d] (referred to below as the regulations) contain specific provisions concerning the importation into the United States of semen of ruminants or swine from countries where rinderpest or foot-and-mouth disease exists (such semen is referred to below as semen). This document amends these provisions in several respects.

The regulations were designed to allow the importation of semen based on, among other things, negative testing of the donor animal for rinderpest, foot-and-mouth disease (referred to below as FMD), and other infectious diseases.

Prior to the effective date of this document, the regulations provided that blood samples and semen samples were required to be taken from the donor ruminant or swine as follows:

(1) A first blood sample taken prior to semen collection,

(2) A sample consisting of not less than 10 percent of the semen taken from each lot of semen (any number of lots of semen could be collected), and

(3) A second blood sample taken at least 60 days after the final semen collection.

This document changes the sampling provisions for ruminants to provide that blood samples, oesophageal-pharyngeal tissue samples (O-P samples) and semen samples from the donor ruminants shall be taken as follows:

(1) A first blood and a first O-P sample prior to semen collection,

(2) A 0.5 ml sample of semen from each semen collection (any number of semen collections may be made),

(3) A second blood and a second O-P sample within 7 days after the final semen collection, and

(4) A third blood sample between 21 and 28 days after the taking of the second blood and O-P samples.

This document also changes the sampling provisions for swine to provide that blood samples and semen samples from the donor swine shall be taken as follows:

(1) A first blood sample prior to semen collection,

(2) A 0.5 ml sample of semen from each semen collection (any number of semen collections may be made),

(3) A second blood sample within 7 days after the final semen collection, and

(4) A third blood sample between 21 and 28 days after the taking of the second blood sample.

The changes in the sampling provisions, in addition to other changes explained below, are necessary to protect against the introduction into the United States of FMD. The sampling provisions also are necessary for providing a mechanism for protecting against the introduction into the United States of rinderpest and other infectious diseases.

The first blood and O–P tests for ruminants and the first blood test for swine are necessary for the purpose of detecting evidence of FMD, rinderpest, or other infectious diseases in the initial stages of the semen collection. If positive responses were found in the initial testing, the semen collection could be halted with minimal expense and use of USDA personnel. The second blood and O–P tests for ruminants and the second blood test for swine are necessary for the purpose of determining whether FMD, rinderpest, or other infectious diseases have been introduced in the donor animals during the semen collection period.

The third blood test for ruminants and swine is necessary for the purpose of determining whether FMD, rinderpest, or other infectious diseases may have been in the incubation stage at the time of the final semen collection since it is possible that an animal could be incubating FMD, rinderpest, or other infectious diseases at the time of the final semen collection without causing positive responses to the second set of tests. Because of this possibility, the regulations previously provided that the donor animal must be retained in isolation for 60 days after the final semen collection, and that the second blood sample must be taken at least 60 days after the final semen collection. Under the amended regulations, the donor animal must be retained in isolation until the third blood sample has been taken, which may not occur until at least 21 days have elapsed after the final semen collection. A third blood sample taken a minimum of 21 days after the taking of the second sample would be adequate for testing to detect any FMD, rinderpest, or other disease that the Department tests for that could be in the incubation stage at the time of the final semen collection.

The amended regulations provide that the second samples must be taken within 7 days after the final semen collection, and provide that a third blood sample must be taken between 21 and 28 days after the taking of the second samples. These 7 day periods will allow a sufficient time period for the second and third samples to be taken and still allow the Department to have test samples which would meet the objectives of the testing. Prior to the effective date of this document, the regulations provided that the blood samples from ruminants and swine, among other things, were to be used for virus neutralization and fluorescent antibody tests. Both of these tests were required for the purpose of detecting evidence of FMD in the donor animals.

This document deletes the virus neutralization and the fluorescent antibody tests for FMD for ruminants, and changes the regulations to provide instead that the blood samples from ruminants shall be tested for FMD antibodies using the virus infection associated (VIA) test, and to provide that the O–P samples from ruminants shall be tested for FMD virus using the virus isolation test. In addition, this document deletes the fluorescent antibody test for swine and changes the regulations to provide instead that blood samples from swine shall be tested for FMD using the virus infection associated (VIA) test. The regulations continue to provide that blood samples from swine are to be tested for FMD using the virus neutralization test.

The VIA test and the virus neutralization test are blood tests used for detecting FMD antibodies. The virus isolation test is a test used to detect FMD virus present in tissue. The semen testing for FMD is done by injecting semen into susceptible animals and examining the animals for clinical signs of FMD.

The changes in the testing protocols are necessary because the new testing protocols are significantly more reliable than the previously required testing protocol for detecting evidence of FMD in the donor animals. The different types of testing used in combination as set forth above will help to ensure the reliability of determinations made based on the testing. Further, these new testing combinations appear to be the most effective methods that are now available and feasible for determining the presence of FMD in the donor animals and their semen.

Also, a footnote is added to indicate that the test procedures for the virus infection associated (VIA) test, the virus isolation test, and the virus neutralization test are available from the Chief, Foreign Animal Disease Diagnostic Laboratory, National Veterinary Services Laboratories, P.O. Box 848, Greenport, New York 11944.

Prior to the effective date of this document, the semen from donor ruminants was required to have come from ruminants that had not been vaccinated against FMD. The new testing protocol for ruminants is sufficiently sensitive to distinguish between the serological response produced by the presence of FMD and the serological response produced by FMD vaccine. Therefore, the requirement that the semen must come from a donor ruminant that has not been vaccinated against FMD is no longer necessary, and is deleted. A similar change is not made for swine since no testing protocol is currently available for swine that is adequate for distinguishing between such serological responses.

Prior to the effective date of this document, the regulations provided that the semen would be tested by injecting not less than 10 percent of the volume of each lot of semen into animals which are susceptible to rinderpest or FMD. The regulations are amended to provide that the semen samples shall consist of 0.5 ml of semen from each collection since 0.5 ml from each semen collection is the amount that is needed for testing.

Prior to the effective date of this document, the regulations provided that the semen to be imported must have come from a donor animal that had been inspected on the "farm of origin." In this connection § 92.4[d][1][i] provided that:

> (i) The donor animal shall have been inspected on the farm of origin by a veterinarian of the United States Department of Agriculture who, in cooperation with the veterinary service of the country of origin of the donor animal, shall have determined, insofar as possible, that the donor animal was never infected with rinderpest or foot-and-mouth disease; that the donor animal was never on a farm or other premises where rinderpest or foot-and-mouth disease then existed; that no animal on the farm of origin which was susceptible to the virus of rinderpest or foot-and-mouth disease was exposed to either disease during the 12 months immediately prior to the date of inspection of the donor animal; that the donor animal has never been vaccinated against rinderpest or foot-and-mouth disease; and that the donor animal was free from evidence of other communicable disease;

Under the quoted provisions, the only determinations relating to the farm of origin which were required to be made concern whether rinderpest or foot-and-mouth disease had existed on the premises while the donor animal was on the premises and whether exposed animals had been on the premises during the specified period. The same amount of protection would be afforded for a donor animal no longer on the farm of origin if these determinations were made for each premises where the donor animal had been. Therefore, the regulations are amended to provide that the donor animal may come from a premises other than the farm of origin if a USDA veterinarian has traced the donor animal back to its farm of origin, and if such determinations can be made for each premises where the donor animal has been.

The regulations provide for the collected semen to be in the custody of a USDA veterinarian while it is in the country of origin. Further, prior to the effective date of this document, the

regulations provided for the entire amount of the semen intended for importation to be transported to the port of New York and to be held in the custody of a USDA veterinarian during which time blood tests and semen tests would be conducted. These provisions were designed to ensure that the semen would constantly be in the custody of a USDA veterinarian (except during air transportation to New York) until the completion of all tests. The regulations are amended to allow the semen, other than the semen samples, to be held in the custody of a USDA veterinarian either in the country of origin or at the port of New York, at the option of the importer, until the testing is completed. There is no valid reason for requiring such semen to be transported to the port of New York prior to the completion of the testing.

Executive Order 12291 and Regulatory Flexibility Act

This action has been reviewed in conformance with Executive Order 12291 and has been determined to be not a "major rule" The Department has determined that this action will not have an effect on the economy of $100 million or more; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not have any significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It is anticipated that the amount of semen from ruminants and swine that will be annually imported under the provisions of § 92.4(d) will constitute less than 1 percent of the semen of ruminants and swine annually utilized in the United States. Further, the importation of such semen is not the primary activity of any business in the United States.

Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Emergency Action

Dr. John K. Atwell, Deputy Administrator, VS, APHIS, USDA, has determined that an emergency situation exists that warrants publication of this interim rule without prior opportunity for a public comment period. Under the circumstances explained above, it is necessary that the interim rule be made effective immediately in order to increase the reliability of testing for FMD and other infectious diseases in donor ruminants and swine in countries where FMD or rinderpest is known to exist, and for relieving unnecessary restrictions on the importation of their semen.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 533, it is found upon good cause that prior notice and other public procedures with respect to this interim rule are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this interim rule effective less than 30 days after publication of this document in the Federal Register. Comments have been solicited for 60 days after publication of this document. A document discussing comments received and any amendments required will be published in the Federal Register.

List of Subjects in 9 CFR Part 92

Animal diseases, Canada, Imports, Livestock and livestock products, Mexico, Poultry and poultry products, Quarantine, Transportation, Wildlife.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS: INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Accordingly, the regulations in 9 CFR Part 92 are amended as follows:

§ 92.4 [Amended]

1. In § 92.4(d)(1)(i), "or on another premises (the inspection may be on another premises only if a veterinarian of the Department has traced the donor animal back to its farm of origin)" is added immediately after "inspected on the farm of origin"; "that no animal on the farm of origin which was susceptible to the virus of rinderpest or foot-and-mouth disease" is changed to "that the donor animal had not been on a premises that had an animal that was susceptible to the virus of rinderpest or foot-and-mouth disease and that"; and "that the donor animal has never been vaccinated against rinderpest or foot-and-mouth disease" is changed to "that the donor animal, if a ruminant, has never been vaccinated against rinderpest; that the donor animal, if a swine, has never been vaccinated against rinderpest or foot-and-mouth disease"

2. In § 92.4(d)(1)(ii), "blood samples from such donor animal for virus neutralization and fluorescent antibody tests" is changed to "a blood sample and an oesophageal-pharyngeal tissue sample (O–P sample) from such a donor ruminant and a blood sample from such a donor swine for tests as specified in paragraph (d)(1)(iv) of this section".

3. In § 92.4(d)(1)(iii), "virus neutralization and fluorescent antibody test" is changed to "tests specified in paragraph (d)(1)(iv) of this section"

4. In § 92.4 footnote 5 is renumbered as footnote 1.

5. In § 92.4(d)(1), paragraphs (iv) and (v) are redesignated as paragraphs (v) and (vi) and a new paragraph (iv) is added to read as follows:

* * * * *

(d) * * *

(1) * * *

(iv) In the case of a ruminant, each blood sample collected pursuant to paragraph (d)(1) (ii) or (vi) of this section shall have been tested for foot-and-mouth disease using the virus infection associated (VIA) test and each O–P sample collected pursuant to paragraph (d)(1) (ii) or (iv) of this section shall have been tested for foot-and-mouth disease using the virus isolation test. In the case of a swine, each blood sample collected pursuant to paragraph (d)(1) (ii) or (vi) of this section shall have been tested for foot-and-mouth disease using the virus infection associated (VIA) test and the virus neutralization test."[1]

* * * * *

6. In redesignated § 92.4(d)(1)(vi), "(any number of collections may be made); such veterinarian shall take a 0.5 ml sample of semen from each semen collection" is added immediately after the word "Department" the first time it appears in the paragraph; and two new sentences are added at the end of the paragraph to read as follows: "In the case of a ruminant, a blood sample and an O–P sample shall have been taken from the donor animal by a veterinarian of the Department within 7 days after the final semen collection, and between 21 to 28 days after the taking of these samples another blood sample shall have been taken from the donor animal by a veterinarian of the Department. In the case of a swine, a blood sample shall have been taken from the donor animal by a veterinarian of the Department within 7 days after the final semen collection, and between 21 to 28 days after the taking of the sample, another blood sample shall have been

[1] The test procedures for the virus infection associated (VIA) test, the virus isolation test, and the virus neutralization test are available from the Chief, Foreign Animal Disease Diagnostic Laboratory, National Veterinary Services Laboratories, P.O. Box 848, Greenport, NY 11944.

taken from the donor animal by a veterinarian of the Department."

7 In § 92.4(d)(3), the third sentence is removed.

8. In § 92.4(d)(4), "for at least 60 days after such collection; and after such 60-day retention period, blood samples shall have been collected from the donor animal by a veterinarian of this Department for virus neutralization and fluorescent antibody tests" is changed to "until all of the applicable samples referred to in paragraph (d)(1)(vi) of this section have been collected by a veterinarian of the Department for tests as specified in paragraph (d)(1)(iv) of this section".

9. In § 92.4(d)(5), the first sentence is changed to "The semen sample from each collection shall have been tested at the Plum Island Laboratory."; and in the second sentence "test shall" is changed to "tests shall" and "not less than 10 percent of the volume of each lot of semen" is changed to "the semen samples"; and a new fourth sentence is added to state that "The semen collected at the approved isolation facility, other than the semen samples, may be held in the country of origin or at the port of New York, at the option of the importer, until all of the testing required to be conducted under this section is completed."

10. In § 92.4(d)(6), "O–P samples (if applicable) from the donor animal," is added immediately before "and semen samples"

(Sec. 203, 60 Stat. 1087, as amended; secs. 6, 7, 8, 10, 26 Stat. 416, as amended; 417; secs. 2, 32 Stat. 792, as amended; sec. 306, 46 Stat. 689, as amended; secs. 2, 3, 4, 5, 11; 76 Stat. 129, 130, 132; sec. 1, 84 Stat. 202; 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 134a, 134b, 134c, 134d, 134f, and 135; 7 CFR 2.17, 2.51, and 371.2(d))

Done at Washington, D.C., this 30th day of October, 1984.

J.K. Atwell,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 84-28891 Filed 11-1-84; 8:45 am]

BILLING CODE 3410-34-M

Food Safety and Inspection Service

9 CFR Part 354

[Docket No. 84-013C]

Fee Increase for Inspection Service; Correction

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule—correction.

SUMMARY: This document corrects a final rule on fees charged by FSIS for inspection services that appeared in the Federal Register on September 28, 1984, (49 FR 38506). This action is necessary to amend the fee for laboratory analysis of rabbits which was inadvertently omitted in the final rule.

FOR FURTHER INFORMATION CONTACT: Mr. William L. West, Director, Budget and Finance Division, Administrative Management, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–3367

SUPPLEMENTARY INFORMATION: On September 28, 1984, the Food Safety and Inspection Service (FSIS) published a final rule in the Federal Register (49 FR 38506) to increase the fees charged by FSIS to provide overtime inspection, identification, certification, and laboratory services to meat and poultry establishments. The fees reflect the increased costs of providing these services in fiscal year 1985.

In addition to several other sections of the meat and poultry inspection regulations, § 354.101(b) was amended to increase the fees for base time and for overtime or holiday work involved in the inspection of rabbits. However, an amendment to § 354.101(c) containing the fee for laboratory services under the voluntary rabbit inspection program was inadvertently omitted in the final rule. This document therefore corrects the final rule by adding the following amendment to page 38507.

9a. Section 354.101 is further amended by revising paragraph (c) to read as follows:

§ 354.101 On a fee basis.

* * * * *

(c) Charges for any laboratory analysis or laboratory examination of rabbits under this Part related to the inspection service shall be $34.68 per hour.

Done at Washington, DC on: October 29, 1984.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 84-28833 Filed 11-1-84; 8:45 am]

BILLING CODE 3410-DM-M

FEDERAL ELECTION COMMISSION

11 CFR Part 6

[Notice 1984-18]

Enforcement of Nondiscrimination on the Basis of Handicap in Federal Election Commission Programs

AGENCY: Federal Election Commission.

ACTION: Final rule: Announcement of Effective Date.

SUMMARY: On August 22, 1984 (49 FR 33206), the Commission published the text of regulations to implement and enforce Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794. These regulations prohibit discrimination on the basis of handicap in Commission programs and activities. The Commission announces that these rules are effective as of November 2, 1984.

EFFECTIVE DATE: November 2, 1984.

FOR FURTHER INFORMATION CONTACT: Ms. Kim L. Bright, Acting Assistant General Counsel, 1325 K Street, NW., Washington, D.C. 20463, (202) 523–4143.

SUPPLEMENTARY INFORMATION: Section 504 requires that regulations proposed by an agency to enforce its provisions be transmitted to the appropriate authorizing committees of Congress and that such regulations take effect no earlier than the thirtieth day after they have been so submitted. These regulations were transmitted to the Senate and House appropriations committees on August 16, 1984. A supplemental transmittal was made on September 19, 1984 to the Senate Committee on Labor and Human Resources and the House Committee on Education and Labor. In deference to these latter committees, the Commission has waited an additional thirty days before promulgating these regulations. Thirty calendar days expired on October 19, 1984.

Announcement of effective date, 11 CFR Part 6, as published at 49 FR 33206, is effective as of November 2, 1984.

Dated: October 30, 1984.

Lee Ann Elliott,

Chairman, Federal Election Commission.

[FR Doc. 84-28913 Filed 11-1-84; 8:45 am]

BILLING CODE 6715-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 120

Business Loans; Sale of the Guaranteed Portion

AGENCY: Small Business Administration.

ACTION: Final rulemaking.

SUMMARY: SBA is implementing a rule which requires that initial secondary market sales by lenders after February 15, 1985, be evidenced by SBA Form 1086, "Secondary Participation Guaranty and Certification Agreement," and which prescribes requirements for the proper execution of such form. On or

after February 15, 1985, participating lenders will not be permitted to use SBA Form 1084, "Secondary Participation Guaranty Agreement" and will be required to comply with the new execution requirements. This rule also requires that such sales previously evidenced by SBA Form 1084 be converted to the SBA Fiscal and Transfer Agency Program by using SBA Form 1085 at the time of the first sale after February 15, 1985. This final rule will apply to all secondary market sales in which the SBA executes the secondary participation guaranty and certification agreement on or after such effective date.

EFFECTIVE DATE: February 15, 1985.

FOR FURTHER INFORMATION CONTACT: James W. Hammersley, Financial Analyst, Room 800C, 1441 L Street, NW., Washington, D.C. 20416, 202–653–5954.

SUPPLEMENTARY INFORMATION: The Small Business Administration now permits a lender to sell the guaranteed portion of an SBA loan to an investor. After February 15, 1985, lenders and investors must use SBA Form 1086, "Secondary Participation Guaranty and Certification Agreement" to evidence such sales, and will no longer be permitted to use SBA Form 1084, "Secondary Participation Guaranty Agreement." When SBA Form 1086 is used, a certificate is issued by the SBA fiscal and transfer agent (FTA). SBA has entered into a contract with the Bradford Trust Company of New York to perform as the FTA. This contract has a term of two years commencing from the date of publication of final regulations to implement section 3(b) of Pub. L. 98–352 and at the end of that time will lapse. Any subsequent contracts for FTA services will be open for competitive bidding. The certificate is registered in the name of the holder (investor) and must be cancelled and reissued for a valid resale to occur. The FTA arranges wire closing of the initial sales transaction. Each lender collects a borrower's payment(s) on the loan and forwards the appropriate share to the FTA. The borrower may not be aware that the guaranteed portion of his or her loan has been sold. If an investor owns more than one guaranteed portion, the FTA consolidates the submissions of the lenders and sends the investor one check and an accounting of the funds. Effective February 15, 1985, the FTA will eliminate all charges to the investor for collection, accounting and other services but has retained the right to charge a minimal certificate issuance fee.

The FTA serves as a centralized, computerized recordkeeping facility for SBA. Therefore, when a guaranteed portion of a loan is sold using SBA Form 1086, SBA has access to on-line information regarding the owner of the guaranteed portion, terms of the sale, accounting of the payment flow, etc. These records are used to develop aggregate data for policy analysis and a report for Congress as required by the Secondary Market Improvements Act of 1984, Pub. L. 98–352 (SMIA).

A recent GAO report (GAO/RCED 83–96, SBA's 7(a) Loan Guarantee Program: An Assessment of Its Role in the Financial Market) stated the following as one of its recommendations:

> —Develop better procedures for keeping records of secondary market transactions, including service fees and prices paid by investors for loans. The Administrator should determine whether improved recordkeeping controls could be accomplished more efficiently by internal changes in SBA's procedures or by using the services of the FTA for all loans sold in the secondary market.

Due to the declining level of resources available to SBA, the Agency has determined that the most efficient way to address the recordkeeping problem and implement secondary market policy decisions is to require the use of Form 1086. With over five years of SBA experience, the FTA has a tested and operating system that is capable of handling the entire volume of the secondary market. SBA has decided that changing internal procedures and continuing to operate a parallel system would not be efficient and would not satisfy the recommendation of the GAO. Thus, SBA has decided to require that all secondary market transactions be recorded and administered by the FTA.

SBA has been advised by several companies that the use of the FTA to administer the Form 1086 procedure would result in several advantages: (1) Greater stability in the secondary market; (2) increased liquidity providing additional capital to small business; (3) increased participation by large, institutional investors; and (4) decreased interest cost to SBA borrowers.

On July 2, 1984 SBA published proposed regulations relative to mandatory use of SBA form 1086 in the Federal Register (49 FR 27162). The Agency received approximately 180 comment letters, mostly from persons or business entities who feel their business activities will be impeded by this regulation.

The major criticism of the proposal was that the allowable FTA fees are too high. In response to that criticism, SBA has renegotiated the FTA fee schedule based on the fact that all sales of guaranteed portions will now be required to use the services of the FTA. For all guaranteed portions of loans sold on an individual basis where the settlement occurs after February 15, 1985, the FTA will not be permitted to charge either the 1/16th of one percent set up fee or the 1/8th of one percent servicing fee which are presently permitted.

The comment letters revealed many misconceptions about the operations of the FTA. Several writers stated that the FTA held loan payments for 45 days before remitting to the holder of the guaranteed portion. The actual figure is a maximum of 15 days with the average being closer to 7 or 8 days. Some commenters thought that the FTA was going to buy guaranteed portions and resell them to large brokerage houses. The FTA is not allowed to buy or sell loans. Some commenters indicated that the FTA would not approve deferment or other servicing requests. The FTA instruction regarding deferment in each instance is provided by the pertinent investor. Another frequent comment was that the FTA automatically defaulted loans. The FTA contract with SBA requires the FTA to initiate default proceedings on loans when payments have not been received for 60 days and there is no record of a deferment.

Other information received by SBA indicated that some lenders and broker/dealers felt that the purpose of the proposal was to allow SBA to regulate the premiums paid sometimes by purchasers of guaranteed portions to sellers. SBA is not considering the regulation of premiums. The Agency has determined that full disclosure of the characteristics of the guaranteed portions of SBA loans will allow investors to make informed decisions.

On July 10, 1984, the Small Business Secondary Market Improvements Act of 1984, Pub. L. 98–352, was enacted. This Act requires SBA to establish a central registry of all guaranteed portions of loans sold or resold and to provide annual reports to Congress on various aspects of the secondary market. SBA has decided that requiring administration of central registration by the FTA will allow the agency to comply with these provisions of the law.

Some commenters suggested that it was unnecessary to require use of the FTA to perform this function, and that as an alternative, SBA could require that all sales be registered with a registrar which would be notified only of sales of guaranteed portions. SBA has utilized this alternative by employing its Form 1084, but does not believe this has been successful or has accomplished the statutory intent behind central

registration. Over the course of eight years experience with the use of Form 1084, it has been demonstrated to SBA that notification of subsequent sales has not consistently taken place in spite of a requirement in that Form that notification of all subsequent sales be transmitted to the SBA office approving the loan. Thus, a notification system has been in existence and has not been effective. Further, with a system which requires only notification of all transactions, SBA would not have any means of insuring compliance with the central registration provisions of Pub. L. 98-352.

Some comments have suggested that the Form 1084 should remain available so that the Form 1086 will have competition. It is SBA's position that if all initial sales were completed using Form 1086, all broker/dealers would be competing on the same basis and that this would create a more uniform market.

SBA hereby clarifies an issue not specifically addressed in the July 2, 1984, publication in the Federal Register but on which the SMIA provided specific direction. The Small Business Act, as amended by SMIA requires SBA to report to Congress on all guaranteed portions of loans sold or resold in the secondary market and requires central registration of all sales. In order to comply with this statutory mandate, SBA is requiring that each initial sale after February 15, 1985, by a holder of the guaranteed portion of an SBA loan which was first sold on SBA Form 1084 be converted to the fiscal and transfer agency process. To accomplish this conversion, the holder will utilize SBA Form 1085, "Request for Certification of SBA Form 1084." Once an initial sale of any guaranteed portion has been centrally registered, the central registry will be updated by using pertinent information on the Certificate evidencing subsequent sales. This central registration requirement on the sale of all guaranteed portions is reflected in Subpart F of Part 122 of this Title, published in the Federal Register on October 11, 1984 (49 FR 39837).

For purposes of the Regulatory Flexibility Act, this final rule, if promulgated in final form, will not have a significant economic impact on a substantial number of small business concerns. It is merely procedural in natural and will not have a substantive effect on any borrowers, participating lenders or SBA.

In addition, this rule, if published in final form, deals with internal management of the Agency for the purposes of Executive Order 12291. Therefore, no economic analysis is required by that Executive Order.

Finally, this rule contains reporting and recordkeeping requirements which have been approved under the Paperwork Reduction Act, 44 U.S.C. Chapter 35 by OMB. These requirements are noted in the text with appropriate OMB approval numbers.

List of Subjects in 13 CFR Part 120

Loan programs/business, Small Businesses.

PART 120—[AMENDED]

Accordingly, pursuant to the authority in Section 5(b)(6) of the Small Business Act (15 U.S.C. 631 *et seq.*), Part 120, Chapter I, Title 13, Code of Federal Regulations, is amended by revising § 120.5(a)(3) to read as follows:

§ 120.5 Operations of eligible participants.

(a) General. * * *

(3) *Sale or transfer of the guaranteed portion.* In addition to assignments of an SBA guaranteed loan as provided in SBA Form 750, Loan Guaranty Agreement, a lender may transfer the entire guaranteed portion using, after February 15, 1985, only SBA Form 1086, Secondary Participation Guaranty and Certification Agreement (OMB Approval No. 3245-0185) in which the lender and SBA agree to the repurchase of the guaranteed portion as provided in such agreement; *Provided however,* That prior to the execution thereof:

(i) The duly executed note and settlement sheet(s) underlying the transaction, and such other documents as SBA may expressly require have been submitted by the lender to SBA;

(ii) All fees, including fees to agents (as defined in § 103.13-2 of this chapter) paid or to be paid by the borrower in connection with the loan have been approved by SBA;

(iii) The full amount of the loan has been disbursed by the lender to the borrower;

(iv) All loan guaranty fees have been paid in full; and

(v) The terms of the sale do not obligate the lender or SBA to repurchase under circumstances other than those provided for in such agreement.

* * * * *

When the initial sale by lender was transacted on SBA Form 1084, the next succeeding transfer, after February 15, 1985, by a holder must utilize SBA Form 1085, Request for Certification of SBA Form 1084 (OMB Approval No. 3245-0185). All transfers of a guaranteed portion after February 15, 1985, must be centrally registered with SBA's fiscal and transfer agent (FTA) and all financial transactions relative to the guaranteed portion must flow through the FTA. Updating the central registry to reflect subsequent transfers will be accomplished through the use of information contained on the Certification evidencing the transfer.

Execution of the secondary participation agreement by SBA shall not relieve any lender of the obligation of compliance with all legal requirements relating to the sale or other transfer of securities, including (but not limited to) the statutes administered by the Securities and Exchange Commission and "Blue Sky" laws.

* * * * *

(Catalog of Federal Domestic Assistance Programs No. 59.012, Small Business Loans)

Dated: October 30, 1984.

James C. Sanders,

Administrator.

[FR Doc. 84-22335 Filed 11-1-84; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 84-ASW-46; Amdt. 39-4943]

Airworthiness Directives; Boeing Vertol Company Model 234 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires repetitive inspections to verify proper torque of the bolts which assemble the sun gear and spiral bevel ring gear in both the forward and aft transmissions in the Boeing Vertol Model 234 series helicopters. The AD is prompted by several reports of inadequate torque of these assembly bolts and one instance of separation of the nut and washer from an assembly bolt. This condition can result in major damage to the transmissions and subsequent loss of the helicopter.

DATES: Effective November 21, 1984.

Compliance schedule—As prescribed in body of the AD.

ADDRESSES: The applicable service information may be obtained from Boeing Vertol Company, Division of the Boeing Company, P.O. Box 16858, Philadelphia, Pennsylvania 19142. These documents may be examined at the Office of the Regional Counsel, Southwest Region, Federal Aviation

Administration, 4400 Blue Mound Road, Fort Worth, Texas 76106.

FOR FURTHER INFORMATION CONTACT: Murry Schoenberger, ANE-174, New York Aircraft Certification Office, Federal Aviation Administration, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581, telephone (516) 791-7421.

SUPPLEMENTARY INFORMATION: There has been a report of a washer and nut found loose in the sump of the aft transmission after a chip indication light. Many spiral bevel ring gear assembly bolts were also found to be loose in that transmission. Torque verification checks of the bolted connection of the spiral bevel ring gear assembly on transmissions on other helicopters also revealed less than adequate torque existed. This condition can lead to failure of these gears and possible loss of the helicopter.

Since this condition is likely to exist or develop on other helicopters of the same type design, an AD is being issued which requires repetitive inspections of forward and aft transmission first stage spiral bevel ring gear assemblies. Those rotor transmissions having bolts which rotate below a specific torque must be removed and replaced prior to further flight.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

The FAA has determined that this regulation only involves minor maintenance type checks of a helicopter and only 10 helicopters of this type exist. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291, and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Boeing Vertol Company: Applies to Boeing Vertol Model 234 series helicopters certificated in all categories and equipped with forward rotor transmission Part Numbers (P/N) 234D1200-2 and -3 and/or aft rotor transmission P/N's 234D2200-3 and -4.

Compliance is required as indicated (unless already accomplished).

To prevent possible hazards in flight associated with failure of first stage sun and spiral bevel ring gear assembly installed in either the forward or aft transmission, accomplish the following:

(a) Within 50 hours' time in service after the effective date of this AD or upon accumulation of 500 hours' time in service since new or since last disassembly of the spiral bevel ring gear bolted connection, whichever occurs later, and thereafter at intervals not to exceed 300 hours' time in service from the last inspection, inspect the first stage sun and spiral bevel ring gear assembly in accordance with the "Accomplishment Instructions" of Boeing Vertol Service Bulletin No. 234-63-1010, Revision 1, as transmitted by Boeing Vertol Telex 8-1420-3-5738 dated September 12, 1984, and revised by Telex 8-1420-3-5746 dated September 14, 1984, or FAA approved equivalent.

(b) If during the inspections of paragraph (a), no more than two nuts in a bolted connection rotate below 350 in-lb, but above 275 in-lb, that connection must be reinspected every 100 hours' time in service or until replaced by a serviceable spiral bevel ring gear assembly.

(c) If during any inspection, three nuts or more rotate below 350 in-lb or any nuts rotate at 275 in-lb or less, replace the transmission with a serviceable unit prior to further flight.

(d) These helicopters may be flown under the provisions of FAR §§ 21.197 and 21.199 to a base where the inspections of paragraph (a) may be accomplished.

(e) An equivalent method of compliance with this AD may be used when approved by the Manager, New York Aircraft Certification Office, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581.

(f) Upon submission of substantiating data by an owner through an FAA Maintenance Inspector, the Manager, New York Aircraft Certification Office, FAA, New England Region, may adjust the compliance times specified in this AD.

This amendment becomes effective November 21, 1984.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.89)

Issued in Fort Worth, Texas, on October 22, 1984.

C.R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 84-28990 Filed 11-1-84; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 84-NM-73-AD; Amdt. 39-4947]

Airworthiness Directives; Lockheed-California Company Model L-1011 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: On June 21, 1984, the FAA issued telegraphic airworthiness directive (AD) T84-13-51, effective upon receipt, to all known operators of Lockheed Model L-1011 series airplanes. The AD requires revision of the FAA approved Airplane Flight Manual (AFM) to include additional limitations and emergency procedures. This action was prompted by an incident where one operator reported a number 3 engine flameout following the total loss of fuel from the number 3 tank. Since the issuance of the telegraphic AD, replacement parts have been made available by the manufacturer; accordingly, a requirement has been added to this AD to inspect and replace, if necessary, the fuel line fittings at the numbers 1 and 3 engine pylon wing leading edge. This AD is hereby published in the Federal Register to make it effective to all persons.

DATES: Effective November 14, 1984.

This AD was effective earlier to all recipients of telegraphic AD T84-13-51, dated June 21, 1984.

Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63-11, U-33, B-1. This information also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Kolb, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 548-2835.

SUPPLEMENTARY INFORMATION: On June 21, 1984, the FAA issued telegraphic AD T84-13-51 applicable to Lockheed Model L-1011 series airplanes requiring revision of the FAA approved AFM to include additional limitations and emergency procedures. This action was

prompted by an incident where one operator reported a number 3 engine flameout following the total loss of fuel from the number 3 tank. Investigation revealed that the breakaway flange on P/N 741266-101 fuel line fitting had failed which allowed separation of the fuel feedline at the WIGOFLEX coupling in the wing leading edge adjacent to the engine pylon causing the loss of approximately 10,000 lbs. of fuel overboard. In another incident, during taxi, there was uncontrolled leakage of fuel flowing from the lower surfaces of the wing and fuselage due to a partially separated fuel line at the WIGOFLEX coupling. Maintenance inspections have also revealed at least 15 cases of cracked or separated breakaway flanges. Since the affected fuel line fitting is identical for number 1 and 3 engines, the potential exists for a total loss of fuel from the number 1 or 3 tank with crossfeed valves closed, and the loss of additional fuel with crossfeed valves open, along with the loss of engine power. If the fuel loss continues at a rate up to 1000 pounds per minute without corrective action by the flight crew, the range of the aircraft will be affected.

Since the issuance of telegraphic AD T84-13-51, replacement parts have been made available by the manufacturer. Paragraph B. of the AD has been changed to reflect a requirement to inspect and replace, if necessary, the P/N 741266-101 fuel line fittings at the number 1 and 3 engine pylon wing leading edge, in accordance with Lockheed L-1011 Service Bulletin 093-28-072, dated July 23, 1984.

Since a situation existed, and still exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Lockheed-California Company: Applies to Lockheed Model L-1011 series airplanes, certificated in all categories. Compliance required as indicated unless previously accomplished.

A. Unless the inspection requirements of paragraph B., below, have been accomplished within the previous 2000 flight hours or 1000 landings, whichever came first, revise the Lockheed L-1011 FAA approved airplane flight manual (AFM) LR-25925 within 5 calendar days after receipt of this airworthiness directive (AD), to add the following and provide to flight crews:

Section 1—Limitations

Fuel System: 1. In addition to normal fuel reserve requirements, flight planning must be predicated on the following:

(A) A fuel fitting failure, occurs to engine No. 1 or 3 at any time during the flight;

(B) 10,000 pounds of fuel will be lost overboard while the flight crew recognizes and reacts to a fuel line failure;

(C) At the time of fuel line failure, the respective No. 1 or 3 engine is considered to become inoperative; and

(D) At the time of failure, the flight can be continued to a suitable airport.

2. Cockpit fuel totalizer and fuel quantity indicating systems for tanks 1 and 3 must be operational prior to takeoff. Aircraft equipped with tanks 1A and 3A, when fueled, must have the respective cockpit fuel quantity indicating systems operational prior to takeoff.

3. The fuel quantity must be closely monitored and compared with total fuel used at 5 minute maximum intervals during flight.

Section 2—Emergencies

Rapidly Decreasing Fuel Quantity Indication

Reference. If fuel quantity indication decreases at an abnormally high rate, assume a leak in the fuel line to engine No. 1 and 3 and proceed as follows:

1. All fuel crossfeed valves: close.

2. All fuel quantity indicators: monitor.

3A. If fuel quantity indication in tanks 1 and 3 decrease at a normal rate, resume normal operation.

3B. If fuel quantity indication continues to decrease abnormally in tanks 1 or 3:

(1) Fuel tank pumps (in affected tank): off.

(2) Affected engine: shut down.

(3) Affected tank valve: close.

(4) Fuel quantity indicators (Tank 1 and 3): monitor.

(5) Aircraft range: check.

(6) With tank valve closed, remaining fuel in affected tank is available to the other engines by use of crossfeed procedures.

B. Within 1000 hours time in service, or ninety (90) days after the effective date of this amendment, whichever occurs first, inspect and replace, if necessary, P/N 741266-101 fuel line fittings as specified in Paragraph 2, *Accomplishment Instructions* of Lockheed L-1011 Service Bulletin 093-28-072, dated July 23, 1984; or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region. Repetitive inspections of P/N 741266-101 fuel line fittings are required at 1000 landing intervals using visual inspections, or 1500 landing intervals using eddy current inspections, until P/N 741266-105 fuel line fittings are installed.

Note.—Installation of P/N 741266-105 fuel line fittings is terminating action for this AD.

C. A copy of this AD inserted in the FAA approved AFM may be considered as an acceptable means of compliance with required AFM revisions.

D. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the repair requirements of this AD.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63-11, U-33, B-1. These documents also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

This Amendment becomes effective November 14, 1984, and was effective earlier to those recipients of telegraphic AD T84-13-51, dated June 21, 1984.

(Sec. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Seattle, Washington on October 25, 1984.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 84-29369 Filed 11-1-84; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 73

[Airspace Docket No. 84-AWA-28]

Change Using Agency, Restricted Areas R-4201A/B and R-4202, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment to Restricted Areas R-4201A, R-4201B, and R-4202 located in the state of Michigan changes the name of the using agencies from Adjutant General, State of Michigan, Lansing, MI, to Commander, Camp Grayling, Grayling, MI. This amendment will not result in a transfer of control from one using agency to another and will not change the use of the restricted areas in any way. Rather, the change is being accomplished to permit an increased administrative efficiency within the same organization in scheduling activities within the restricted areas. Restricted Areas R-4201A, R-4201B and R-4202 were established to provide an environment for military air and surface training exercises.

EFFECTIVE DATE: 0901 GMT, December 20, 1984.

FOR FURTHER INFORMATION CONTACT: Gene Falsetti, Airspace and Air Traffic Rules Branch (ATO-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to § 73.42 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is to change the designation of the using agencies of Restricted Areas R-4201A, R-4201B, and R-4202 from Adjutant General, State of Michigan, Lansing, MI, to Commander, Camp Grayling, Grayling, MI. The change is designed to increase efficiency, within the Michigan Air National Guard, of scheduling operations in the restricted areas. Restricted Areas R-4201A, R-4201B and R-4202 were established to provide an environment for military air and surface training exercises. Activities include fighter/bomber, helicopter gunship, and forward air controller aircraft delivering ordnance on the air/ground range. The amendment is editorial in nature and does not affect the use of the restricted areas, or have any affect on local airspace or air traffic procedures. Accordingly, I find that notice and public procedure thereon are unnecessary. Section 73.42 of Part 73 of the Federal Aviation Regulations was republished in Handbook 7400.6 dated January 3, 1984.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 73

Restricted areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 73.42 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is amended, as follows:

R-4201A [Amended]

By removing the words "Adjutant General, State of Michigan, Lansing, MI." and substituting the words "Commander, Camp Grayling, Grayling, MI."

R-4201B [Amended]

By removing the words "Adjutant General, State of Michigan, Lansing, MI." and substituting the words "Commander, Camp Grayling, Grayling, MI."

R-4202 [Amended]

By removing the words "Adjutant General, State of Michigan, Lansing, MI." and substituting the words "Commander, Camp Grayling, Grayling, MI."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)); and 14 CFR 11.69)

Issued in Washington, D.C., on October 25, 1984.

John W. Baier,

Acting Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 84-28876 Filed 11-1-84; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 74

[Docket No. 83C-0167]

D&C Blue No. 6; Listing as a Color Additive for Coloring Sutures; Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date of August 27, 1984, for a regulation listing D&C Blue No. 6 as a color additive for coloring polydioxanone synthetic absorbable sutures. This action responds to a petition filed by Ethicon, Inc.

EFFECTIVE DATE: Confirmed: August 27, 1984.

FOR FURTHER INFORMATION CONTACT: Blondell Anderson, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: In a final rule published in the Federal Register of July 25, 1984 (49 FR 29955), FDA amended the color additive regulations to provide for the safe use of D&C Blue No. 6 as a color additive for coloring polydioxanone synthetic absorbable sutures. The color additive has been listed for use in polyethylene terephthalate surgical sutures for general use, plain or chromic collagen absorbable sutures for general surgical use and for ophthalmic surgical use, and polypropylene surgical sutures for general surgical use, in Subpart B of 21 CFR Part 74 under § 74.1106.

However, to reflect the fact that sutures, which were regulated as drugs before the passage of the Medical Device Amendments of 1976, are now regulated as medical devices, the final rule removed § 74.1106 from Subpart B and incorporated the provisions of that section in new § 74.3106 in Subpart D. To reflect further that sutures are now considered medical devices instead of drugs, the agency made an editorial change and revised § 74.3106(c)(2) to indicate that sutures fall under sections 510(k), 515, and 520(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(k), 360e, and 360j(g)) instead of section 505 of the act (21 U.S.C. 355). The agency also made a second editorial addition by including the Chemical

Abstracts Registry Number in this color additive listing.

In the final rule, FDA gave interested persons until August 24, 1984, to file objections. The agency received no objections or requests for a hearing on the final rule. Therefore, FDA has concluded that the final rule published in the Federal Register of July 25, 1984, for D&C Blue No. 6 should be confirmed.

List of Subjects in 21 CFR Part 74

Color additives; Color additives subject to certification; Cosmetics; Drugs; Medical devices.

PART 74—LISTING OF COLOR ADDITIVES SUBJECT TO CERTIFICATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701(e), 706, 70 Stat. 919 as amended, 74 Stat. 399–407 as amended (21 U.S.C. 371(e), 376)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), notice is given that no objections or requests for hearing were filed in response to the July 25, 1984 final rule. Accordingly, the amendments promulgated thereby became effective August 27, 1984.

Dated October 29, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-28991 Filed 11-1-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting and Supervising Federal Prisoners; Information Considered, Appeals, etc.

AGENCY: United States Parole Commission.

ACTION: Final rule.

SUMMARY: The Parole Commission is amending its rules at 28 CFR 2.19 and 2.25 to conform with statutory changes mandated by the Victims of Crime Act of 1984, Title II, ch.14, Pub. L. 98–473 (Oct. 12, 1984). The amendment to § 2.19 adds a paragraph which includes a statement by the victim of a crime as information to be considered by the Commission. The Commission is also removing its regulation at 28 CFR 2.25, thereby eliminating the intermediate appeal of a Commission decision to the Regional Commissioner before a prisoner or parolee can appeal to the agency's National Appeals Board. The Commission is making minor changes in some of its other regulations to conform with the elimination of 28 CFR 2.25.

The Commission is also amending its regulation at 28 CFR 2.28(f) to provide that any Commissioner, including a National Commissioner, may seek reopening of a case on the basis of new adverse information.

EFFECTIVE DATE: November 11, 1984.

ADDRESS: Rockne Chicknell, Attorney, Office of General Counsel, U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, Maryland 20815, Telephone (301) 492–5960.

FOR FURTHER INFORMATION CONTACT: Rockne Chicknell, Telephone (301) 492–5960.

SUPPLEMENTARY INFORMATION: In the recent Victims of Crime Act of 1984, Title II, ch. 14, Pub. L. 98–473 (Oct. 12, 1984), Congress amended several of the Parole Commission's enabling statutes, which now calls for the Commission to make modifications in its rules to conform with the legislative changes. In section 1408(a) of the Act, Congress amended 18 U.S.C. 4207 by adding a subsection which requires the Commission to consider, if available and relevant, any written or oral statement by any victim of the prisoner's offense. Consequently, the Commission is adding a paragraph to its rule at 28 CFR 2.19, Information Considered, which explicitly states that the Commission will consider any victim statement. Even prior to the statutory amendment to section 4207, the Commission considered the statement of a victim of the prisoner's offense under the statutory language of section 4207 that instructs the Commission to consider "such additional relevant information concerning the prisoner as may be reasonably available."

In section 1408(c) of the Act, Congress amended 18 U.S.C. 4215 to eliminate the intermediate appeal of a Commission decision to the Regional Commissioner. As amended, section 4215 now provides one avenue of administrative review of an agency determination—an appeal to the National Appeals Board. Therefore, the Commission is striking its rule at 28 CFR 2.25 to reflect this procedural change and eliminate the appeal to the Regional Commissioner. A prisoner or parolee may now only appeal a Commission decision to the National Appeals Board under 28 CFR 2.26. For original jurisdiction cases under 28 CFR 2.17, appeals of agency determinations are still made under 28 CFR 2.27 to the full Commission.

The Commission is also amending its regulations at 28 CFR 2.26, 2.28, 2.40, and 2.43 in order to conform to the repeal of § 2.25. The only significant amendment is the modification of § 2.28(a) that provides that where the concurring votes of Commission members are needed to reverse or modify a previous Commission decision, those votes will be rendered by the National Commissioners under the procedures of § 2.24(a), rather than by other Regional Commissioners. Since the previous practice of obtaining the concurring votes of Regional Commissioners was based on the procedure for reversing or modifying decisions on regional appeal (now repealed), the Commission believes it is more practical to adopt the referral procedure of § 2.24(a) for reversals or modifications under 28 CFR 2.28(a) to ensure that the practice of obtaining concurring votes is uniform and easily understood.

The Commission is amending its rule at 28 CFR 2.28(f) to provide that any Commissioner may refer a case to the National Commissioners to obtain their concurring votes for a reopening of the case for new and significant adverse information. This procedural change allows a National Commissioner to seek a reopening under § 2.28(f) when the prisoner's case is before the National Commissioners (*e.g.*, under 28 CFR 2.17 or 2.26) and new adverse information comes to the National Commissioner's attention. The amendment is intended to simplify the reopening process and avoid the cumbersome procedure of sending the case to the Regional Commissioner to initiate the voting process and then having the National Commissioners consider the case once again after a referral by the Regional Commissioner.

The Commission is publishing these changes as final rules to take effect on November 11, 1984, the same day the statutory provisions become effective under section 1409(a) of the Act. The Commission is not soliciting public comment and is making the rule changes effective before the expiration of thirty days from the date of publication, since these are not substantive rules, but rules of agency procedure, most of which simply implement recent changes of statutory law. With regard to the implementation of the repeal of 28 CFR 2.25, the Commission will consider those regional appeals for any decision recorded in a notice of action dated prior to November 11, 1984; any decision recorded in a notice of action dated November 11, 1984 or thereafter must be appealed under the new procedures directly to the National Appeals Board. Appeals erroneously designated as regional appeals will not be returned but

will be forwarded to the National Appeals Board for consideration.

These rules will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, Prisoners, Probation and parole.

PART 2—[AMENDED]

Accordingly, pursuant to the provisions of 18 U.S.C. 4203(a)(1) and 4204(a)(6), the Commission is amending 28 CFR Part 2 as follows:

1. In § 2.19, paragraphs (a) (4) and (5) are revised and paragraph (a)(6) is added to read as follows:

§ 2.19 Information considered.

(a) * * *

(4) recommendations regarding the prisoner's parole made at the time of sentencing by the sentencing judge and prosecuting attorney;

(5) reports of physical, mental, or psychiatric examination of the offender; and

(6) a statement, which may be presented orally or otherwise, by any victim of the offense for which the prisoner is imprisoned about the financial, social, psychological, and emotional harm done to, or loss suffered by such victim.

* * * * *

§ 2.25 [Removed]

2. Section 2.25 is removed.

3. In § 2.26, paragraphs (a) through (c) are revised and (d) and (e) are added to read as follows:

§ 2.26 Appeal to National Appeals Board.

(a) A prisoner or parolee may submit to the National Appeals Board a written appeal of any decision to grant (other than a decision to grant parole on the date of parole eligibility), rescind, deny, or revoke parole, except that any appeal of a Commission decision pursuant to § 2.17 shall be pursuant to § 2.27 This appeal must be filed on a form provided for that purpose within thirty days from the date of entry of such decision.

(b) The National Appeals Board may, upon the concurrence of two members, affirm, modify, or reverse the decision, or order a rehearing, except that a modification or reversal resulting in a decision below the guidelines shall require the concurrence of three members. Split decisions requiring additional votes shall be referred to the Chairman; and, if necessary, to other Regional Commissioners on a rotating basis as established by the Chairman.

(c) The National Appeals Board shall act within sixty days of receipt of the appellant's papers, to affirm, modify, or reverse the decision. Decisions of the National Appeals Board shall be final.

(d) If no appeal is filed within thirty days of the date of entry of the original decision, such decision shall stand as the final decision of the Commission.

(e) Appeals under this section may be based upon the following grounds:

(1) That the guidelines were incorrectly applied as to any or all of the following:

(i) Severity rating;

(ii) Salient factor score;

(iii) Time in custody;

(2) That a decision outside the guidelines was not supported by the reasons or facts as stated;

(3) That especially mitigating circumstances (for example, facts relating to the severity of the offense or the prisoner's probability of success on parole) justify a different decision;

(4) That a decision was based on erroneous information, and the actual facts justify a different decision;

(5) That the Commission did not follow correct procedure in deciding the case, and a different decision would have resulted if the error had not occurred;

(6) There was significant information in existence but not known at the time of the hearing;

(7) There are compelling reasons why a more lenient decision should be rendered on grounds of compassion.

4. In § 2.28, paragraphs (a) and (f) are revised to read as follows:

§ 2.28 Reopening of cases.

(a) *Favorable information.* Notwithstanding the appeal procedures of § 2.26, the appropriate Regional Commissioner may, on his own motion, reopen a case at any time upon the receipt of new information of substantial significance favorable to the prisoner. The Regional Commissioner may then order a new institutional hearing on the next docket, or reverse or modify the decision. The following actions require the concurrence of two out of three Commissioners:

(1) Any modification resulting in a reduction of more than 180 days (other than a modification that brings a decision from above the appropriate guideline range closer to, or to, the nearer limit of the appropriate guideline range);

(2) Any modification resulting in a decision below the appropriate guideline range;

(3) Reversal of a decision (i.e., any modification of a fifteen-year reconsideration hearing decision to a presumptive or effective parole date). Decisions requiring a second or additional vote shall be referred to the National Commissioners under the procedures of 28 CFR 2.24(a). Original jurisdiction cases may be reopened upon the motion of the appropriate Regional Commissioner under the procedures of § 2.17

* * * * *

(f) *New adverse information.* Upon receipt of new and significant adverse information that is not covered by paragrapahs (a) through (e) of this section, a Commissioner may refer the case to the National Commissioners with his recommendation and vote to schedule the case for a special reconsideration hearing. Such referral shall automatically retard the prisoner's scheduled release date until a final decision is reached in the case. The decision to schedule a case for a special reconsideration hearing shall be based on the concurrence of three out of five votes, and the hearing shall be conducted in accordance with the procedures set forth in §§ 2.12 and 2.13. The entry of a new order following such hearing shall void the previously established release date.

5. In § 2.40, paragraph (g) is revised to read as follows:

§ 2.40 Conditions of release.

* * * * *

(g) A parolee may appeal an order to impose or modify parole conditions under § 2.26 not later than thirty days after the effective date of such conditions.

* * * * *

6. In § 2.43, paragraph (c)(3) is revised to read as follows:

§ 2.43 Early termination.

* * * * *

(c) * * *

(3) A parolee may appeal an adverse decision under paragraphs (c)(1) or (2) of this section pursuant to §§ 2.26 or 2.27 as applicable.

* * * * *

Dated: October 24, 1984.

Benjamin F. Baer,

Chairman, U.S. Parole Commission.

[FR Doc. 84-28931 Filed 11-1-84; 8:45 am]

BILLING CODE 4410-01-M

VETERANS ADMINISTRATION

38 CFR Part 3

Categories of Administrative Separation

AGENCY: Veterans Administration.

ACTION: Final regulation amendments.

SUMMARY: The Veterans Administration (VA) is amending its adjudication regulations concerning character of discharge from military service. This action is required because the Department of Defense (DOD) has created three new categories of administrative separation for enlisted personnel that will not include a characterization of the individual's service. For VA purposes the term "veteran" requires a discharge characterized as under conditions other than dishonorable. Since DOD is no longer required to characterize service in certain circumstances, the VA must determine "veteran" status based on the facts and circumstances of service when a claim for benefits is filed. The intended effect of this regulatory amendment is to provide a uniform rule for determination of status in cases of uncharacterized administrative separations.

DATES: These changes are effective October 1, 1982 and apply to uncharacterized administrative separations resulting from separation proceedings initiated on or after October 1, 1982.

FOR FURTHER INFORMATION CONTACT: Robert M. White, Compensation and Pension Service, Department of Veterans Benefits (211B), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389-3005.

SUPPLEMENTARY INFORMATION: On pages 28267 and 28268 of the Federal Register of July 11, 1984, the VA published a proposed amendment to 38 CFR 3.12 concerning uncharacterized administrative separations from military service. Interested persons were given 30 days to submit comments, suggestions or objections to the proposed amendment. Since no comments, suggestions or objections were received, the amendment has been adopted as proposed.

The Administrator hereby certifies that this regulatory amendment will have no significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. The reason for this certification is that this amendment would not directly affect any small entities. Only claimants for VA benefits could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, the VA has determined that this regulatory amendment is non-major for the following reasons:

(1) It will not have an effect on the economy of $100 million or more.

(2) It will not cause a major increase in costs or prices.

(3) It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

(Catalog of Federal Domestic Assistance program numbers are 64.100, 64.101, 64.104, 64.105, 64.106, 64.109, and 64.110)

Approved: October 16, 1984.

Harry N. Walters,

Administrator.

PART 3—[AMENDED]

In 38 CFR Part 3, Adjudication, § 3.12 is amended as follows:

§ 3.12 [Amended]

1. In paragraphs (a), the introduction of (c) and (c)(5), the word "veteran" is changed to "former service member"

2. In paragraph (b) the words "or unless otherwise specifically provided." are added to follow the word "release" at the end of the sentence.

3. A new paragraph (k) is added to read as follows:

§ 3.12 Character of discharge.

* * * * *

(k) *Uncharacterized separations.* Where enlisted personnel are administratively separated from service on the basis of proceedings initiated on or after October 1, 1982, the separation may be classified as one of the three categories of administrative separation that do not require characterization of service by the military department concerned. In such cases conditions of discharge will be determined by the VA as follows:

(1) *Entry level separation.* Uncharacterized administrative separations of this type shall be considered under conditions other than dishonorable.

(2) *Void enlistment or induction.* Uncharacterized administrative separations of this type shall be reviewed based on facts and circumstances surrounding separation, with reference to the provisions of § 3.14 of this title, to determine whether separation was under conditions other than dishonorable.

(3) *Dropped from the rolls.* Uncharacterized administrative separations of this type shall be reviewed based on facts and circumstances surrounding separation to determine whether separation was under conditions other than dishonorable. (38 U.S.C. 210(c))

2. The cross-reference following § 3.12 is amended by adding "Minimum active-duty service requirement. See § 3.12a."

[FR Doc. 84-28324 Filed 11-1-84; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-6-FRL-2709-5]

Revisions to the State of New Mexico Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: This action approves revisions to the State of New Mexico Implementation Plan (SIP) which were submitted to the Environmental Protection Agency (EPA) on August 11, 1983, in order to satisfy requirements of 40 CFR 51.11, Plan Content and Requirements (Legal Authority) and sections 110, 111, 112, and 119 of the Clean Air Act as amended in 1977. EPA proposed approval of these revisions on April 25, 1984 [49 FR 17776], and no relevant comments were received during the comment period.

EFFECTIVE DATE: Effective on December 3, 1984.

ADDRESSES: Incorporation by reference material is available for inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region 6, Air Branch, 1201 Elm Street, Dallas, Texas 75270

New Mexico Environmental Improvement Division, Crown Building, 725 St. Michael's Drive, Santa Fe, New Mexico 87504-0968

U.S. Environmental Protection Agency, Public Information Reference Unit, EPA Library, 401 M Street, SW., Washington, D.C. 20460
The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Tim Glasco, State Implementation Plan Section, Air and Waste Management Division, U.S. EPA, Region 6, 1201 Elm Street, Dallas, Texas 75270, (214) 767–1518.

SUPPLEMENTARY INFORMATION: On September 26, 1979, the Governor of New Mexico submitted various revisions to the New Mexico Air Quality Control Act in response to the Clean Air Act Amendments of 1977 The New Mexico Act has subsequently been revised several times, but the revisions have not been acted upon by EPA. On April 22, 1983, the New Mexico Environmental Improvement Board submitted the Air Quality Control Act amendments of 1983. These amendments allow the Board to assume full authority for New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS). On August 11, 1983, the New Mexico Secretary for Health and Environment submitted the complete New Mexico Air Quality Control Act with all applicable amendments from 1979 through 1983 for inclusion in the SIP EPA has reviewed those amendments made from 1979 to 1983 and developed an Evaluation Report. [1] The review is based on the requirements established in 40 CFR 51.11 and sections 110, 111, 112, and 119 of the Federal Clean Air Act. This evaluation report is available for review during normal business hours at the addresses listed above.

The revisions to the New Mexico Air Quality Control Act involve administrative and other substantive changes. These include clarification of definitions, adoption of duties and powers of the Board, adoption of regulations, procedures for obtaining permits, judicial review of variances, limitations on regulations, assurance of discontinuance, and primary nonferrous smelter orders.

One change in particular involved confidential information. This section, as it read prior to 1979, was cited in 40 CFR 52.1632 as not meeting the requirements of § 51.11(a)(6), which says that emissions data must be made available to the public by the state. On September 26, 1974, EPA disapproved this section of the New Mexico Air Quality Control Act, citing that it could possibly prohibit the disclosure of emissions data to the public [39 FR 34537]. Revisions were added in 1979 to Section 74–2–11, stating that it would not prohibit the release of information concerning emissions from any source. However, Air Quality Control Regualtions 702.E and 703.D need to be revised by the state in accordance with this particular revision of the Air Quality Control Act. These regulations are under the sections entitled Permits (702) and Registration of Air Contaminant Sources (703). The content of both regulations is identical and concerns the unavailability of confidential information by an applicant for public record.

The revision of the definition of modification in the Air Quality Control Act, in its present form, raised a question with respect to the scope of exceptions allowed. The last clause posed a potential problem concerning permit requirements. A letter was received from the state on September 28, 1984 which clarified this definition. The letter contained an opinion from their counsel that the regulatory definition of modification, while different from the statutory definition, could be supported by the New Mexico Air Quality Control Act.

The revised definition of "nonattainment area" contains language which suggests that two criteria must be met to qualify an area as nonattainment for a particular pollutant; the area must be Federally designated as nonattainment, and there must be a continuing violation of a national ambient air quality standard. The New Mexico Air Quality Bureau agrees, however, that any area designated by EPA under section 107 of the Clean Air Act as nonattainment for a particular pollutant, will retain nonattainment status until redesignation by EPA to attainment. Based upon this understanding, EPA is approving the definition of "nonattainment area" in the Air Quality Control Act.

Section 110 of the CAA sets forth requirements for Implementation Plans and subsequent revisions. Sections 111 and 112 of the CAA cite procedures and applications for establishing NSPS and NESHAPS. Section 119 describes procedures for issuance and enforcement of primary nonferrous smelter orders. As referenced previously, the regulations establishing state authority and general requirements for plan content are listed in 40 CFR 51.11. The New Mexico Air Quality Control Act revisions meet all applicable requirements contained in the aforementioned sections of the CAA and 40 CFR 51.11.

A series of decisions by the New Mexico state courts has raised a question regarding the adequacy of variance provisions of the New Mexico Air Quality Control Act to support a state plan to implement the national ambient air quality standards (NAAQS). The New Mexico Supreme Court in an opinion filed on April 4, 1984, *Duke City Lumber Co.* v. *New Mexico Environmental Improvement Board and New Mexico Environmental Improvement Division,* S. Ct. No. 15,078, stated that the Air Quality Control Act "does not permit the denial of a variance upon a mere showing that a condition '*tends* to cause harm.' " [Emphasis in original.] The Court indicated that *"tends* to cause harm" is not the same as "a condition injurious to health or safety," and it appeared to adopt the position that unless the Board found that such a condition existed, it had no alternative to granting a variance. Other provisions in the Act which would also deny the Board the authority to grant a variance were not at issue. In addition, the Supreme Court made the following statement:

> In this opinion we have not addressed the question of whether the Duke City burner emissions exceeded the NAAQS. Neither have we made a determination as to whether violation of this standard alone, or in conjunction with medical evidence presented at trial, justifies denial of a variance.

The Supreme Court then remanded the case to the New Mexico Court of Appeals. The Court of Appeals' decision, *Duke City Lumber Co. v. New Mexico Environmental Improvement Board and New Mexico Environmental Improvement Division,* No. 5954/6066 (May 31, 1984), made a determination regarding the NAAQS.

> Therefore, we hold that violation of the NAAQS for particulate matter, as established by substantial evidence in this case, not only justified but mandated denial of Duke City's application for a variance. In so holding we determine that violation of the NAAQS for particulates establishes per se injury to health.

A petition for Writ of Certiorari was filed with the New Mexico Supreme Court on July 5, 1984, but no decision has yet been rendered. Until a final decision by the New Mexico Supreme Court, EPA cannot determine the effect, if any, of the Duke City case on the SIP.

During the comment period for the proposal, one comment was received. It concerned permitting in nonattainment areas (Subpart GG of 40 CFR 52.1620 [18]). The state has not developed

[1] Evaluation Report for New Mexico Air Quality Control Act Revisions, submitted on August 11, 1983, of New Mexico State Implementation Plan, January, 1984.

regulations pertaining to stationary source permits in nonattainment areas, although a commitment was made by the Governor to not issue such permits. Once regulations are developed and implemented, permits may be issued in nonattainment areas; thereby making the New Mexico SIP consistent with Federal Regulations. However, this does not affect any of the revisions of the Air Quality Control Act being approved today as a final rulemaking.

Based on the Agency's review, EPA has determined that the revisions meet the requirements of 40 CFR 51.11 and sections 110, 111, 112, and 119 of the Clean Air Act, and is hereby approving these revisions to the New Mexico SIP.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 4, 1985. This action may not be challenged later in proceedings to enforce its requirements [See 307(b)(2).].

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Incorporation by reference of the State Implementation Plan for the State of New Mexico was approved by the Director of the Federal Register on July 1, 1982.

This notice of final rulemaking is issued under the authority of section 110 of the Clean Air Act, as amended, 42 U.S.C. 7410.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Incorporation by reference.

Dated: October 30, 1984.

William D. Ruckelshaus,

Administrator.

PART 52—[AMENDED]

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart GG—New Mexico

1. In § 52.1620, paragraph (c) is amended by adding paragrpah (35) as follows:

§ 52.1620 Identification of plan.

* * * * *

(c) * * *

(35) Revisions to Sections 74-2-2 (9/79, 2/82, 4/83); 74-2-5 (9/79, 2/82, 4/83); 74-2-6 (2/82); 74-2-7 (9/79, 2/82, 4/83); 74-2-9 (9/79); 74-2-11 (9/79); 74-2-11.1 (9/79); 74-2-15 (9/79); and 74-2-15.1 (9/79) of the State's Air Quality Control Act were submitted by the New Mexico Secretary for Health and Environment on August 11, 1983.

§ 52.1632 [Reserved]

2. Section 52.1632 is removed and reserved.

[FR Doc. 84-28911 Filed 11-1-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[Gen. Docket No. 80-739; FCC 83-511]

Implementation of the Final Acts of the World Administrative Radio Conference, Geneva, 1979

Correction

In FR Doc. 84-1300, beginning on page 2358, in the issue of Thursday, January 19, 1984, make the following correction:

§ 2.105 [Corrected]

On page 2377, in the second column in § 2.105, add footnote 7 at the end of the column, to read as follows:

"[7] Definitions of the various radio services used are contained in § 2.1."

BILLING CODE 1505-01-M

47 CFR Part 73

[MM Docket No. 84-74; RM-4669]

FM Broadcast Station in Blue Hill, ME

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein denies the assignment and reservation of Class B Channel 258 for Blue Hill, Maine. It has been determined that there is a channel available in the noncommercial band. The petition for rule making was filed by the Word Corporation.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: D. David Weston, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order (Proceeding Terminated)

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Blue Hill, Maine); MM Docket No. 84-74; RM-4669.

By the Chief, Policy and Rules Division.

Adopted: October 18, 1984.

Released: October 25, 1984.

1. The Commission has before it for consideration the *Notice of Proposed Rule Making*, 49 FR 5631, published February 14, 1984, in response to a petition filed by the Word Corporation ("petitioner") proposing the assignment of Class B FM Channel *258 to Blue Hill, Maine, and reservation of that channel for noncommercial educational use. Supporting comments were filed by a successor to the petitioner [1] in which it restated its intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. As the *Notice* pointed out, commercial channels are generally not reserved for noncommercial educational use. Exceptions to this policy have fallen into one of two categories, either (1) channels in the noncommercial educational band are not available because of Canadian or Mexican allocations; or, (2) the use of channels in the noncommercial band may result in potential interference to television operations on VHF Channel 6. See, *Comobabi, Arizona*, 47 FR 32717, published July 29, 1982; and *Burlington and Newport, Vermont*, 45 R.R. 2d 786 (1979). The Commission indicated in its *Notice* that exceptions to this policy would not be made unless "the assignment and reservation of a commercial channel is the only way to establish a noncommercial educational station to serve the Blue Hill area." A review of petitioner's submissions in support of its request reveals insufficient data to demonstrate that either Canada allocations have severely restricted the availability of the noncommercial band or that a Channel 6 station is in operation nearby. Further, a Commission engineering study indicates that Class B Channel 210 may be available in the Blue Hill, Maine, area with a site restriction of 11.8 kilometers southeast. In view of the above, the request to reserve a commercial channel for noncommercial use must be denied.

3. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That the petition for rule making (MM Docket No. 84-74, RM-4669) to assign

[1] Salt Pond Community Broadcasting Company.

and reserve FM Channel 258 to Blue Hill, Maine, is denied.

4. It is further ordered, That this proceeding is terminated.

5. For further information concerning the above, contact D. David Weston, Mass Media Bureau, (202) 634–6530.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 84-28925 Filed 11-1-84; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-197]

Organization and Delegation of Powers and Duties; Aircraft Noise

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Final rule.

SUMMARY: This amendment delegates to the Federal Aviation Administrator the authority vested in the Secretary to issue temporary exemptions from aircraft noise standards to foreign air carriers operating at Bangor, Maine and Miami, Florida.

EFFECTIVE DATE: October 12, 1984.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of the General Counsel, C–50, Department of Transportation, Washington, DC (202) 426–4723.

SUPPLEMENTARY INFORMATION: Since this amendment relates to Departmental management, procedures, and practice, notice and comment on it are unnecessary and it may be made effective in fewer than thirty days after publication in the Federal Register.

Section 124 of the Continuing Resolution for Fiscal Year 1985 *requires* that the Secretary grant exemptions from certain aircraft noise standards for operations to or from Bangor, Maine, and Miami, Florida (but not *between* Bangor and Miami), if criteria specified in Section 124 are met.

The noise standards are those scheduled to take effect January 1, 1985 pursuant to Pub. L. 96–193, the Aviation Safety and Noise Abatement Act of 1979. (This statute makes applicable to foreign air carriers operating in the United States the aircraft noise standards applicable to domestic air carriers under Section 611 of the Federal Aviation Act.) The criteria are that application for exemption be made before January 1, 1985; as to replacement aircraft, that evidence be presented that firm contracts for replacement of non-complying aircraft will be entered into by June 1, 1985; and as to retrofit, that a copy of the contract for the retrofit be presented. Any exemption must expire not later than December 1, 1985, unless the Department determines that equipment that it has certified that would bring the applicant's aircraft into compliance will not be available by that date. In this situation, the exemption can be continued for so long as the Department deems necessary.

Finally, the recipient of an exemption may not increase the frequency of operations, nor the number of non-complying aircraft operated, into the place for which the exemption is granted beyond the levels existing in the twelve-month period prior to enactment of Section 124.

List of Subjects in 49 CFR Part 1

Authority delegations (government agencies), Transportation Department.

PART 1—[AMENDED]

In consideration of the foregoing, § 1.47 of Part 1 of Title 49, Code of Federal Regulations, is amended by adding at the end thereof a new paragraph (p), to read as follows:

§ 1.47 Delegations to Federal Aviation Administrator.

The Federal Aviation Administrator is delegated authority to—

* * * * *

(p) Carry out any functions vested in the Secretary by Section 124 of the Continuing Resolution for Fiscal Year 1985 (Pub. L. 98–473) relating to exemptions from aircraft noise standards.

Authority: 49 U.S.C. 322.

Issued in Washington, DC, on October 26, 1984.

Jim Burnley,

Acting Secretary of Transportation.

[FR Doc. 84-28948 Filed 11-1-84; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 620

[Docket No. 31031-214]

Written Warnings; Correction

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; correction.

SUMMARY: This document corrects a rule published in the Federal Register of Friday, January 6, 1984 (49 FR 1036), which should have removed 50 CFR Part 620. Part 620 has been superseded by 15 CFR Part 904. Part 904 establishes a standard policy and procedure for issuing a warning to one who commits a technical or minor violation of one of the laws that NOAA and the Coast Guard enforce. Part 620 of Title 50 only pertained to citations issued under the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*

EFFECTIVE DATE: October 1, 1984.

FOR FURTHER INFORMATION CONTACT: Linda Marks, (202) 254–8350, NOAA Office of General Counsel, Room 533, Page 2 Building, 3300 Whitehaven Street, NW., Washington, D.C. 20235.

Dated: October 29, 1984.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

PART 620—[REMOVED AND RESERVED]

The following corrects FR Doc. 84–12 appearing on p. 1036 in the issue of January 6, 1984:

PART 620—[REMOVED]

1. Part 620 is removed.

[FR Doc. 84-28850 Filed 11-1-84; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 49, No. 214
Friday, November 2, 1984

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Commodity Credit Corporation

7 CFR Parts 725 and 1464

Flue-Cured Tobacco Acreage Allotment and Marketing Quota Regulations and Tobacco Loan Program Regulations

AGENCY: Agricultural Stabilization and Conservation Service (ASCS), and Commodity Credit Corporation (CCC), USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the regulations found at 7 CFR §§ 725.113 and 1464.3 to designate the flue-cured tobacco variety "Reams 266" as a discount variety of flue-cured tobacco. At the request of several segments of the tobacco industry, the Flue-Cured Tobacco Quality Committee-Varieties was asked to evaluate the quality characteristics of Reams 266. As a result of this designation, the level of price support for Reams 266 would be 50 percent of the price support level established for non-discount varieties of flue-cured tobacco.

DATE: Comments on the proposed rule must be received by December 3, 1984 in order to be assured of consideration.

ADDRESS: Send comments to the Director, Tobacco and Peanuts Division, ASCS, Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013. All written submissions made pursuant to this notice will be made available for public inspection in Room 5750, South Building, USDA.

FOR FURTHER INFORMATION CONTACT: C. Douglas Richardson, Agricultural Program Specialist, Tobacco and Peanuts Division, USDA–ASCS, P.O. Box 2415, Washington, D.C. 20013, (202) 447–4281.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Department Regulation 1512–1 and has been classified as "not major." It has been determined that this rule will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State and local governments, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this rule applies are: Commodity Loan and Purchases; 10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the regulatory Flexibility Act is not applicable to this rule since the Agricultural Stabilization and Conservation Service (ASCS) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

Flue-cured tobacco produced in the United States is known world-wide for its superior quality, flavor, and aroma. To ensure this level of excellence, the tobacco industry has adopted precise procedures for testing potential new varieties of flue-cured tobacco against established standards for acceptability before these new varieties are provided to producers for tobacco production. In addition, varieties of flue-cured tobacco previously approved and released for production are periodically retested to ensure continued acceptability. The Regional Flue-Cured Tobacco Evaluation Committee and the Flue-Cured Tobacco Quality Committee-Varieties are responsible for conducting these testing programs throughout the flue-cured tobacco producing States. These Committees are composed of growers, trade representatives, and personnel from the Land Grant Universities.

Flue-cured tobacco varieties approved for release and production by these Committees are commonly referred to as acceptable varieties and possess established trade standards for color, body, texture, moisture equilibrium, and filling value as well as being acceptable in flavor and aroma. Those varieties tested or retested by these Committees which do not contain the desired concentrations and balance among important chemical constituents, including nicotine and reducing sugars, are commonly referred to as discount varieties of flue-cured tobacco. These discount varieties of flue-cured tobacco have been tested and shown to produce leaf that is low to lacking in flavor and aroma and has low acceptability by the trade. In 1957, the Department recognized that discount varieties of flue-cured tobacco did not have the same commercial value as did the non-discount varieties of flue-cured tobacco and, therefore, the price support level for tobacco designated as a discount variety of flue-cured tobacco was reduced to 50 percent of the loan level established for a non-discount variety. The reduced loan level for discount varieties of flue-cured tobacco has continued since 1957. This action has prevented large quantities of discount varieties of flue-cured tobacco from being forfeited under the Commodity Credit Corporation (CCC) price support loan program.

At the request of several segments of the tobacco industry, the Flue-Cured Tobacco Quality Committee-Varieties was asked to evaluate the quality characteristics of Reams 266. In 1983 the Committee included Reams 266, along with designated flue-cured tobacco discount varieties of Coker 139 and Coker 316, in their 1983 Official Variety Tests. These tests were conducted by representatives of the Land Grant Universities in the five major flue-cured tobacco producing States. The test results clearly indicated that the chemical composition and relative balance among important chemical constituents in Reams 266 had changed since Reams 266 had first been

approved for release in 1962. The tests confirmed that the chemical composition of Reams 266 now being offered for sale is substantially similar to the chemical composition of other varieties of flue-cured tobacco which have been designated as discount varieties of flue-cured tobacco.

The Commissioners of Agriculture in the five major flue-cured tobacco-producing States have petitioned the Secretary of Agriculture to designate Reams 266 as a discount variety of flue-cured tobacco, effective for the 1985 flue-cured tobacco crop year. The Department has also been informed that Reams 266 is no longer approved for seed sale in the States of Florida, North Carolina, and South Carolina.

Accordingly, it is proposed that 7 CFR 725.113 and 1464.3 be amended to designate Reams 266 as a discount variety of flue-cured tobacco.

Since 1985 tobacco planting decisions with respect to seed varieties will be made in the near future by flue-cured tobacco producers, this rule must be implemented as soon as possible. Therefore, all comments must be received by December 3, 1984 in order to be assured of consideration.

List of Subjects in 7 CFR Parts 725 and 1464

Acreage allotment, Marketing quota, Reporting and recordkeeping requirements, Price support program, Tobacco.

Proposed Rule

PART 725—[AMENDED]

Accordingly, Chapters VII and XIV, Title 7 of the Code of Federal Regulations, are amended as follows:

1. In Part 725, § 725.113(a) is amended by inserting "Reams 266," after "Reams 64," each time it appears.

PART 1464—[AMENDED]

2. In Part 1464, § 1464.3(c) is amended by inserting "Reams 266," after "Reams 64," each time it appears.

Authority: Sec. 301, 313, 314, 314A, 316, 316A, 317, 363, 372–375, 377, 378, 52 Stat. 38, as amended, 47, as amended, 48, as amended, 96 Stat. 215, 75 Stat. 469, as amended, 96 Stat. 205, 79 Stat. 66, as amended, 52 Stat. 63, as amended, 65–66, as amended, 70 Stat. 206, as amended, 72 Stat. 995, as amended, 7 U.S.C. 1301, 1313, 1314, 1314–1, 1314b, 1314b–1, 1314c, 1363, 1372–75, 1377, 1378; Sec. 401, 63 Stat. 1054, as amended, 7 U.S.C. 1421.

Signed at Washington, D.C. on October 30, 1984.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service, and Executive Vice President, Commodity Credit Corporation.

[FR Doc. 84-28933 Filed 11-1-84; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 84-ASO-23]

Proposed Alteration of Transition Area, Sanford, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to increase the size of the Sanford, North Carolina, transition area to accommodate Instrument Flight Rule (IFR) operations at Sanford-Lee County Brick Field Airport. This action lowers the base of controlled airspace from 1200 feet to 700 feet above the surface in the vicinity of the airport. An instrument approach procedure, predicated on the Leeco non-directional radio beacon (RBN) has been developed to serve the airport and additional controlled airspace is required for the protection of IFR aeronautical activities.

DATES: Comments must be received on or before: December 15, 1984.

ADDRESSES: Send comments on the proposal in triplicate to:

Federal Aviation Administration, Manager, Airspace and Procedures Branch, ASO–530, P.O. Box 20636, Atlanta, Georgia 30320

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763–7646.

FOR FURTHER INFORMATION CONTACT: Walter H. Wulff, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763–7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. ." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace and Procedures Branch (ASO)–530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Sanford, North Carolina, transition area. This action will provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Sanford-Lee County Brick Field Airport. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in FAA Order 7400.6 dated January 3, 1984.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to

keep them operationally current. It, therefore: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Transition area.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend the Sanford, North Carolina, transition area under § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Sanford, NC [Revised]

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Sanford-Lee County Brick Field Airport (Lat. 35°26'01"N., Long. 79°10'58"W.); within 4.5 miles southeast and 6.5 miles northwest of the 209° bearing from Leeco RBN (Lat. 35°22'23"N., Long. 79°13'24"W.), extending from the 6.5-mile radius area to 11.5 miles southwest of the RBN, excluding the portion which coincides with the Southern Pines transition area.

((Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983.)); and (14 CFR 11.65))

Issued in East Point, Georgia, on October 19, 1984.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 84-28878 Filed 11-1-84; 8:45 am]

BILLING CODE 4910-13-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Contract Market Enforcement of Floor Broker Registration Requirements

AGENCY: Commodity Futures Trading Commission.

ACTION: Extension of comment period.

SUMMARY: On August 7, 1984, the Commodity Future Trading Commission ("Commission") published in the Federal Register a notice of proposed rulemaking in which the Commission proposed to adopt regulation 1.62 (49 FR 31442). Specifically, regulation 1.62 would require each contract market to adopt a rule to the effect that before a person may execute orders for others on the floor of that contract market, that person must first register with the Commission as a floor broker. The Commission is also seeking public comment on whether, in the alternative, the Commission should exercise its authority under section 8a(7) of the Commodity Exchange Act, 7 U.S.C. 12a(7) (1982), which authorizes the Commission to alter or supplement exchange rules as necessary or appropriate. The comment period on the notice of proposed rulemaking expired on October 9, 1984.

By letter dated October 4, 1984, the Chicago Mercantile Exchange requested that the comment period be extended for a thirty day period so that it may fully address the issues raised in the Commission's August 7, 1984 notice of proposed rulemaking. In order to ensure that all interested parties have an opportunity to submit comments, the Commission has determined to grant the request for an extension of the comment period.

DATES: Accordingly, notice is hereby given that all comments on the Commission's notice of proposed rulemaking on contract market enforcement of floor broker registration requirements (49 FR 31442, August 7, 1984) must be submitted by November 16, 1984.

FOR FURTHER INFORMATION CONTACT: Lawrence B. Dolins, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581. Telephone: (202) 254-8955.

Issued in Washington, D.C. on October 30, 1984, by the Commission.

Jean A. Webb,

Acting Secretary of the Commission.

[FR Doc. 84-28993 Filed 11-1-84; 8:45 am]

BILLING CODE 6351-01-M

DELAWARE RIVER BASIN COMMISSION

18 CFR Part 430

Proposed Amendments to Ground Water Protection Area: Pennsylvania

AGENCY: Delaware River Basin Commission.

ACTION: Proposed rules and public hearing record; extension of comment period.

SUMMARY: Notice is hereby given that the Delaware River Basin Commission has extended the comment period to November 15, 1984 for submission of written testimony or proposed amendments to the Commission's Ground Water Protected Area Regulations for Southeastern Pennsylvania by the addition of two new paragraphs (e) and (f) to § 430.13. The existing paragraph (e) of the Ground Water Protected Area Regulations is to be redesignated as (g). The new paragraphs (e) and (f) would be added to read as follows:

(e) Ground water withdrawals for space heating or cooling purposes that are less than 100,000 gallons per day shall be exempt from obtaining a protected area permit provided that the water withdrawn is returned locally, and to the same ground water basin and aquifer system from which it is withdrawn, undiminished in quantity and quality (except temperature). Ground water withdrawals for space heating or cooling that are subsequently used for commercial or industrial water supply purposes are subject to Commission withdrawal and wastewater discharge regulations.

(f) All ground water well systems shall be constructed in conformance with applicable accepted practice as established by United States Environmental Protection Agency and National Water Well Association, Water Well Standards Committee, in the "Manual of Water Well Construction Practices (EPA 570/9-75-001)."

DATES: A public hearing was held as noticed in the October 16, 1984 Federal Register, Vol. 49, No. 201, pages 40434 and 40435 on October 24, 1984 in Philadelphia, Pennsylvania. Written testimony received by the Secretary on or before November 15, 1984 will be included in the hearing record.

ADDRESS: Written comments should be submitted to Susan M. Weisman, Delaware River Basin Commission, P.O. Box 7360, West Trenton, New Jersey 08628.

FOR FURTHER INFORMATION CONTACT: Susan M. Weisman, Commission Secretary, Delaware River Basin Commission, Telephone (609) 883-9500.

Authority: Delaware River Basin Compact (75 Stat. 688).

Susan M. Weisman,

Secretary.

October 30, 1984.

[FR Doc. 84-29526 Filed 11-1-84; 8:45 am]

BILLING CODE 6360-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2617

Determination of Plan Sufficiency and Termination of Sufficient Plans

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Proposed rule.

SUMMARY: This amendment sets forth a new method for demonstrating plan sufficiency under the PBGC's regulation on Determination of Plan Sufficiency and Termination of Sufficient Plans. The amendment provides that a plan administrator may demonstrate sufficiency by providing the PBGC with an enrolled actuary's statement certifying that the plan is sufficient. This method is an optional alternative to the current method, which requires the submission of valuation data to the PBGC. The intended effect of this amendment is to reduce the amount of information that must be submitted to the PBGC upon plan termination.

DATES: Comments must be received on or before January 2, 1985.

ADDRESSES: Comments should be addressed to the Corporate Policy and Regulations Department, Pension Benefit Guaranty Corporation, Suite 7300, 2020 K Street NW., Washington, D.C. 20006. Written comments will be available for public inspection in Suite 7100, at the above address, between the hours of 9:00 A.M. and 4:00 P.M.

FOR FURTHER INFORMATION CONTACT: Mrs. Renae R. Hubbard, Special Counsel, Corporate Policy and Regulations Department, Code 611, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006, (202) 254-6476. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On January 28, 1981, PBGC published in the Federal Register a final rule on Determination of Plan Sufficiency and Termination of Sufficient Plans (46 FR 9532). The regulation requires administrators of plans that are not "clearly insufficient" to follow a specified procedure for demonstrating whether the plan is sufficient (§ 2617.3(a)(2)). (In this discussion, references are to sections of the regulation published in 1981, unless otherwise indicated.) Pursuant to this procedure, the plan administrator must, *inter alia,* value the plan's assets and liabilities as of a proposed distribution date and submit the valuation data to the PBGC (§ 2617.12(a)). If the data demonstrate that the value of plan assets equals or exceeds the value of plan benefits in categories 1 through 4 of section 4044 of the Employee Retirement Income Security Act of 1974, as amended (the "Act"), and if the other requirements for demonstrating sufficiency have been met, the PBGC will issue a Notice of Sufficiency (§ 2617.12(b)). If the data demonstrate that the value of plan assets is less than the value of plan benefits in categories 1 through 4, the PBGC will issue a Notice of Inability to Determine Sufficiency and proceed to place the plan into trusteeship in accordance with section 4042 of the Act (§ 2617.12(b)).

The PBGC has reviewed the data submission requirement in light of its experience in processing plans under this regulation and has concluded that for some plans, the requirement is unnecessary. Accordingly, this amendment sets forth an alternative method for demonstrating sufficiency that does not require the submission of valuation data to the PBGC. Instead of data submission, the alternative method requires submission of an enrolled actuary's statement certifying that the value of plan assets determined in accordance with the regulation does or does not, whichever is applicable, equal or exceed the value of plan benefits determined in accordance with the regulation (amended § 2617.12(b)). Appendix A of this amendment sets forth the form of an Enrolled Actuary and Plan Administrator certification. Appendix B sets forth an enrolled actuary checklist. If the actuary certifies that the value of the assets equals or exceeds the value of the benefits and the other requirements for demonstrating sufficiency are met, the PBGC will issue a Notice of Sufficiency (amended § 2617.12(c)). If the actuary certifies that the value of the assets is less than the value of the benefits, the PBGC will issue a Notice of Inability to Determine Sufficiency (amended § 2617.12(c)).

Under the proposed amendment, this alternative method for demonstrating sufficiency is not available in three situations, all of which involve terminations where the plan to be terminated has assets in excess of the value of all accrued benefits under the plan and, under the terms of the plan, excess assets will revert to the plan sponsor. The first exception is where the plan to be terminated has been involved in a spin-off or other transfer of assets or liabilities within the 36 months preceding the proposed date of termination and the plan does not meet a de minimis test. The de minimis test is met where the total value of the assets or liabilities transferred does not exceed 20% of the accrued benefits of the transferring plan. The second exception to the general availability of the alternative procedure is where the plan sponsor will or intends to cover the participants in the plan to be terminated under a new defined benefit plan. The third exception is where the formula for allocating the excess assets to employees in a contributory plan is other than that provided in the Allocation of Assets regulation, 29 CFR 2618.31(b). The first two of these exceptions are intended to ensure that PBGC will have before it adequate information to assess the long-term risks to the insurance system posed if the "remaining" or "new" plan should terminate in the future. The purpose of the third exception is to allow PBGC to assess the effect of the allocation of the excess assets on participants and beneficiaries in light of the purposes of the allocation of assets regulation.

As indicated above, the current regulation sets forth requirements for demonstrating sufficiency other than the requirement regarding the valuation of plan assets and plan benefits. First, § 2617.12(a) provides that if the plan administrator intends to distribute assets to participants in a form other than an annuity (*e.g.,* a lump sum), he or she must provide the PBGC with a certified statement indicating that participants elected the non-annuity form. Under the proposed amendment, this requirement exists whether or not the plan administrator chooses to demonstrate sufficiency by submitting an enrolled actuary's certification.

Additionally, the current regulation requires that a plan administrator who is demonstrating sufficiency inform the PBGC of the date on which he or she proposes to distribute the assets of the plan. This date may be no earlier than 30 days after the date the PBGC receives the valuation data. Under the proposed amendment, there is no 30-day waiting period if the plan administrator is using the enrolled actuary certification program.

The current regulation requires a detailed post-distribution report from the plan administrator (§ 2617.23). The proposed amendment allows a plan administrator who is using the enrolled actuary certification program to certify that assets were allocated in accordance with Section 4044 of the Act and PBGC regulations, and that participants and beneficiaries have received the benefits to which they were entitled. This certification is in lieu of the normal procedure under § 2617.23(a) which requires various types of information regarding plan participants to be

submitted to the PBGC within 60 days after distribution of the plan's assets.

Finally, the current regulation requires the plan administrator to certify that all valuation data submitted to the PBGC is true and correct to the best of his or her knowledge and belief (§ 2617.12(d)). This provision has been expanded in the proposed amendment to provide that if the plan administrator is submitting an actuary's certification instead of valuation data, the plan administrator must certify that the information supplied to the enrolled actuary is true and complete to the best of the plan administrator's knowledge and belief (amended § 2617.12(e)) and that the plan administrator recognizes that knowingly and willfully making false, fictitious or fraudulent statements to the PBGC is punishable under 18 U.S.C. § 1001.

It should be noted that use of the enrolled actuary certification program does not alter the information required to be submitted to the Internal Revenue Service for a determination letter upon termination of a defined benefit pension plan. In addition, the use of the enrolled actuary program precludes the use of the one-stop program for the filing of a notice of intent to terminate and the filing of a request for a determination letter upon plan termination.

The PBGC has determined that this rule is not a "major rule" within the meaning of Executive Order 12291, February 17, 1981 (46 FR 13193), because it will not have an annual effect on the economy of $100 million or more; nor will it create a major increase in costs or prices for consumers, individual industries, or geographic regions; nor will it have significant adverse effects on competition, employment, investment, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This amendment reduces the paperwork requirements for terminating sufficient single-employer plans and should reduce the costs of filing a notice of intent to terminate and demonstrating sufficiency for those plans which choose to use the proposed procedure. Accordingly, PBGC certifies pursuant to section 605 of the Regulatory Flexibility Act that this regulation will not have a significant economic impact on a substantial number of small entities. In light of this certification, compliance with sections 603 and 604 is waived.

List of Subjects in 29 CFR Part 2617

Employee benefit, plans, Pensions, Reporting and recordkeeping requirements.

PART 2617—[AMENDED]

In consideration of the foregoing, it is proposed to amend Part 2617 of Chapter XXVI of Title 29, Code of Federal Regulations, as follows:

1. The authority citations for Part 2617 read as follows:

Authority: Secs. 4002(b)(3), 4041 and 4044, 29 U.S.C. 1302, 1341 and 1344, Pub. L. 93-406, 88 Stat. 1004, 1020-1021, 1025-1027 (1974), as amended by Secs. 402(a)(7), 403(d) and 403(1), Pub. L. 96-364, 94 Stat. 1299, 1301 and 1302 (1980).

2. Section 2617.12 is revised to read as follows:

§ 2617.12 Demonstration of sufficiency.

(a) *General.* Within the time limit prescribed by paragraph (D) of this section, the plan administrator shall, except as otherwise permitted by paragraph (b) of the section, submit to the PBGC the asset valuation data required by § 2617.13(a), the benefit valuation data required by § 2617.14(a), and, if applicable, the certified statement required by § 2617.4(b)(3). The plan administrator shall also identify the date on which he or she proposes to distribute the assets of the plan. This date may be no earlier than 30 days after the date the PBGC receives the information required by this paragraph unless the procedure provided underparagraph (b) of this section is followed.

(b) *Enrolled actuary's certification.* (1) Instead of submitting to the PBGC the asset valuation data required by § 2617.13(a) and the benefit valuation data required by § 2617.14(a), the plan administrator may submit to the PBGC an enrolled actuary's statement, in the form set forth in Appendix A, certifying that the value of plan assets determined in accordance with § 2617.13 does or does not, whichever is applicable, equal or exceed the value of plan benefits determined in accordance with § 2617.14. Such certification by an enrolled actuary shall include a statement that the enrolled actuary understands and is aware that knowingly and willfully making false, fictitious or fraudulent statements to the PBGC is punishable under 18 U.S.C. 1001. The plan administrator shall also submit a complete enrolled actuary checklist, in the form set forth in Appendix B.

(2) The procedure provided under paragraph (b)(1) of this section shall not be available where the plan to be terminated has assets in excess of accrued benefits, where the terms of the plan permit reversion to the plan sponsor, and—

(i) Where the plan to be terminated has been involved in a spin-off or other transfer of assets and/or liabilities within a 36 month period immediately preceding the proposed date of termination, except where the total value of the assets or liabilities transferred does not exceed twenty percent of the accrued benefits of the transferring plan as of at least one day in the year that the transfer occurs. For purposes of this exception, all transfers in such 36 month period shall be aggregated and treated as if they occurred in the first plan year in which a transfer occurred;

(ii) Where the plan sponsor will or intends to cover the participants in the plan to be terminated under a new defined benefit plan; or

(iii) Where the plan to be terminated requires or permits employee contributions and a method other than that contained in § 2618.31(b) of this chapter is requested for computing the portion of the excess assets attributable to employee contributions.

(c) *Notice of Sufficiency; Notice of Inability to Determine Sufficiency.* If the information submitted pursuant to paragraph (a) of this section or, if applicable, paragraph (b) of this section, demonstrates that the value of plan assets equal or exceeds the value of plan benefits in priority categories 1 through 4, the PBGC will issue a Notice of Sufficiency directing the plan administrator to close out the plan in accordance with Subpart C of this part. When the value of plan assets is less than the value of plan benefits in priority categories 1 through 4, the PBGC will issue a Notice of Inability to Determine Sufficiency and proceed to place the plan into trusteeship in accordance with section 4042 of the Act.

(d) *Time Limit.* The plan administrator shall submit the information required by paragraph (a) of this section or, if applicable, paragraph (b) of this section, no later than 120 days after the date he or she is notified pursuant to § 2617.3(a)(2) that the plan is not clearly insufficient.

(e) *Plan administrator's certification.* The plan administrator shall certify that all information submitted pursuant to paragraph (a) of this section is true and correct to the best of his or her knowledge and belief. If the plan administrator submits an enrolled actuary's certification pursuant to paragraph (b) of this section, the plan administrator shall certify that the information made available to the enrolled actuary is true, correct and complete to the best of the plan administrator's knowledge and belief,

and shall further state that the plan administrator understands and is aware that knowingly and willfully making false, fictitious or fraudulent statements to the PBGC is punishable under 18 U.S.C. 1001.

(f) *Special rule for expedited processing.* A plan administrator may submit to the PBGC all information required by this section at the same time that he or she submits the Notice of Intent to Terminate, but may not use the "one-stop" procedure provided in 29 CFR 2616 if sufficiency is demonstrated pursuant to paragraph (b) of this section.

3. In § 2617.13, paragraph (a) is revised to read as follows:

§ 2617.13 Value of plan assets.

(a) *General.* Except as otherwise permitted by § 2617.12(b), the plan administrator shall value plan assets in accordance with this paragraph and shall submit to the PBGC the valuation and data supporting that valuation. The plan administrator shall estimate the value of plan assets as of the date he or she proposes to distribute the assets, using the valuation methods set forth in Part 2620 of this chapter. The estimate shall be based on the most recent financial statements, accounting reports and other relevant records of the plan's financial condition. If the PBGC determines that the estimate is based on inadequate or outdated information, the PBGC may require the plan administrator to obtain a current valuation. The estimate shall include an adjustment for changes in the value of the assets expected to occur prior to the date the plan administrator proposes to distribute the assets. This adjustment shall include reduction by the amount (estimated, when necessary) of all expenses, fees, and other liabilities (including benefit payments due before the date the plan administrator proposes to distribute the assets) that the plan has incurred or will incur prior to the proposed date of distribution. An adjustment for projected earnings may not be based on a rate of return that is higher than the interest rate for valuing PBGC's immediate annuities in effect on the date of termination set forth in Appendix B of Part 2619 of this chapter.

* * * * *

4. In § 2617.14, paragraph (a) is revised to read as follows:

§ 2617.14 Value of plan benefits.

(a) *General.* Except as otherwise permitted by § 2617.12(b), the plan administrator shall determine the value of plan benefits through at least priority category 4 in accordance with paragraphs (b), (c), and (d) of this section, and shall submit to the PBGC the valuation and data supporting that valuation, including a statement of the actuarial assumptions used to value any benefits that are not required by § 2617.4(a) to be provided in annuity form. Valuation rates shall meet the requirements of 29 CFR 2619.26.

* * * * *

5. In § 2617.23, new paragraphs (c) and (d) are added, to read as follows:

§ 2617.23 Submission of distribution information to PBGC.

* * * * *

(c) *Procedures applicable to Enrolled Actuary Certifications.* Notwithstanding paragraphs (a) and (b) of this section and in lieu thereof, a plan administrator demonstrating sufficiency under § 2617.12(b) shall submit to the PBGC within 60 days after the plan administrator has completed the distribution of assets, a certification that to the best of his or her knowledge and belief, and with the understanding that knowingly and willfully making false, fictitious or fraudulent statements to the PBGC is punishable under 18 U.S.C. 1001—

(1) Plan assets were allocated and distributed in accordance with section 4044 of the Act and Part 2618 of this chapter; and

(2) All plan participants and beneficiaries have received all benefits to which they are entitled.

(d) A plan administrator submitting distribution information to the PBGC under paragraph (c) of this section shall maintain the records which form the basis for the certification under paragraph (c) for a period of not less than 6 years after the filing date of the certification for examination or copying by, or submission to the PBGC, upon the request of the PBGC.

Appendix A

Enrolled Actuary and Plan Administrator Certification

PLAN NAME: _____

PLAN ID#: _____

I have reviewed all relevant plan documents and plan data, ERISA sections 4022 and 4044, and applicable PBGC regulations, and have performed analyses related to items noted on the attached Enrolled Actuary Certification Checklist. Based on the results of my review I certify that this plan's assets and benefits have been valued in accordance with Title IV and PBGC regulations and the value of the plan's assets when allocated in accordance with PBGC's regulation on Allocation of Assets equals or exceeds the value of the plan's benefits as of the proposed distribution date.

ENROLLED ACTUARY NAME: _____

PHONE: ( ) _____

ENROLLED ACTUARY SIGNATURE _____

DATE: _____

ADDRESS: _____

ENROLLED ACTUARY IDENTIFICATION NUMBER: _____

I Certify that the information made available to the enrolled actuary is true, correct, and complete, to the best of my knowledge and belief. I further recognize that knowingly and willfully making false, fictitious or fraudulent statements to the PBGC is punishable under 18 U.S.C. 1001.

PLAN ADMINISTRATOR NAME: _____

PHONE: ( ) _____

PLAN ADMINISTRATOR SIGNATURE _____

DATE: _____

ADDRESS: _____

I am aware that records relating to the distribution must be kept for at least six years. These records are currently available at _____

Initials of PA _____. _____

Appendix B

Enrolled Actuary Certification Checklist

Plan Name: _____

EIN/PN: _____

Enrolled Actuary Name: _____

Enrolled # _____

E.A. Initials (in line before each item) and Item

——Is the plan sponsor establishing or does it currently intend to establish a new defined benefit plan covering substantially the same employees?

☐ No

☐ Yes

——All benefits to which participants are entitled have been valued. Entitlements were determined in accordance with PBGC Regulations, 29 CFR 2613.5. Are any benefits to be payable in annuity form?

☐ No

☐ Yes. If yes:

——Benefits payable as annuities are being provided in annuity form in accordance with PBGC regulations, 29 CFR 2617.4

——Form of annuities to be valued have been determined in accordance with PBGC regulations, 29 CFR 2619.24.

——Qualifying bid was obtained from insurer for benefits required to be provided in annuity form, in accordance with PBGC regulations, 29 CFR 2617.14(b).

Name of Insurer: _____

Annuity Interest Rate: _____

Are any benefits not required to be provided in annuity form?

☐ No

☐ Yes. If yes:

☐

——Benefits not required to be provided in annuity form were valued as of the proposed distribution date, in accordance with PBGC regulations, 29 CFR 2619.26 (b) and (c).

Proposed distribution date _____

Interest rate assumption _____

(Indicate whether plan or PBGC rates.)

Is it the intent that early retirement benefits be provided by PBGC?

☐ No
☐ Yes. If yes:
——They were valued in accordance with PBGC regulations, 29 CFR 2619.25(b)(2).
——The proposed date of plan termination is at least ten days after the filing of the notice of intent to terminate, in accordance with PBGC regulations, 29 CFR 2616.3.
——Estimated value of plan assets was based on most recent financial statements, accounting reports and any other relevant records of the plan's financial condition, in accordance with PBGC regulations, 29 CFR 2617.13.
——Assets available to pay benefits were allocated in accordance with PBGC regulations, 29 CFR 2618.10. The following allocations requirements, if applicable to the plan, were followed:

• The value of accumulated employee contributions was allocated to Priority Category 2 and the value of the employer-provided benefits was allocated to subsequent Priority Categories.

• If the plan assets are not sufficient to provide all the benefits assigned to Priority Category 5:

• Assets must be allocated in Priority Category 5 beginning with the five-year old plan provisions and proceeding in chronological order to test the sufficiency of the remaining assets to cover each subsequent amendment.

• A Priority Category 3 benefit calculation is necessary if the plan is five years old and if such benefits for *any* participant are greater than the Priority Category 4 benefit.

• The greater of 20% or $20 rule was applied at *all* ages from earliest to normal for participants eligible for early retirement benefits under the qualifying annuity bid.

• Benefit increases were deemed to be in effect commencing on the later of their adoption date or their effective date for purposes of determining Priority Category 4 benefits.

• Priority Category 4 benefits were limited to the amount payable as a straight life annuity commencing at normal retirement age.

Did you perform the computations yourself?
——Yes.
——No. If not: indicate name of person who performed such computations:

——I have reviewed an appropriate sample and performed related testing to assure adherence to proper procedure.

By delegation of Raymond Donovan, Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

Ford B. Ford,

Under Secretary of Labor.

Issued pursuant to a resolution of the Board of Directors approving this regulation and authorizing its chairman to issue same.

Henry Rose,

Secretary, Pension Benefit Guaranty Corporation.

[FR Doc. 84-28914 Filed 11-1-84; 8:45 am]
BILLING CODE 7708-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 223

Sale and Disposal of National Forest System Timber

AGENCY: Forest Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal would amend regulations on the sale and disposal of National forest timber by revising standards and procedures for advertising National Forest timber sales. The revision stems from a Forest Service study of National Forest timber sale procedures which found Forest Service timber sale advertisements are unnecessarily complex, redundant with timber sale prospectuses, and costly. The intended effects of the proposed revision are simpler timber sale advertisements for easier use by potential timber sale bidders and the public and significant budget savings and productivity improvement for the Government.

DATE: Comments must be received on or before December 3, 1984.

ADDRESSES: Comments may be mailed to: R. Max Peterson, Chief (2400), Forest Service, USDA, P.O. Box 2417, Washington, DC 20013.

This rulemaking results from a Forest Service report entitled Timber Sale Procedures—Productivity Improvement Report, October, 1983, copies of which are available for public inspection at Forest Service Region, National Forest, and Ranger District offices and at Forest Service National Headquarters, South Agriculture Building, 12th and Independence Avenue SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Lloyd W. Olson (202) 475-3758, Timber Management Staff, Forest Service.

SUPPLEMENTARY INFORMATION: A Forest Service report on opportunities for productivity improvement in timber sale procedures issued October, 1983, found that current timber sale advertisements for National Forest timber sales are unnecessarily complex, redundant of the information given in the timber sale prospectus, and costly. The advertisements contain too much detail and technical information which is often repeated in the timber sale prospectus or which more properly should be only in the sale prospectus.

The proposed rule would shorten and simplify National Forest timber sale advertisements for easier use by potential timber sale bidders and the public. The Forest Service would gain productivity improvement and budget savings through new procedures in preparing and publishing timber sale advertisements and prospectuses. The advertisements would contain only that information required of timber sale advertisements by section 14 of The National Forest Management Act of 1976. Timber sale advertisements under these revised regulations would continue to give potential bidders the opportunity to examine the offered timber and to bid on it. Other interested citizens would continue to be advised of the planned timber sale through the sale advertisement.

Standard information applicable to all advertised timber sales and specific detailed information about a particular advertised sale would be included in the timber sale prospectus. Potential timber sale bidders and the public would be relieved of the tedious task of extracting the pertinent information they require from the advertisement and/or the prospectus.

The shorter and simpler timber sale advertisements in combination with improvements in the timber sale prospectus would improve Forest Service productivity and create budget savings of over $400,000 annually.

The detailed contents of a timber sale advertisement and prospectus are set forth in Chapter 2430, Commercial Timber Sales of the Forest Service Manual. Upon adoption of the proposed changes chapter 2430 would be amended to reflect the streamlining of the contents of the timber sale advertisement.

This proposed rule has been reviewed under USDA procedures and Executive Order 12291. It has been determined this regulation is not a major rule. The regulation will have little or no effect on the economy or on individuals since the regulation is essentially procedural.

The Assistant Secretary of Agriculture for Natural Resources and the Environment has determined that this action will not have a significant economic impact on a substantial number of small business entities as defined in the Regulatory Flexibility Act of 1980 (5 U.S.C. 610 et. seq.). National Forest timber sales are advertised in many local newspapers throughout the nation. While the Government can

realize significant savings in the total amount paid for publishing timber sale advertisements, there would be an insignificant economic impact on individual newspapers.

These regulations do not impose any information collection requirement as defined in 5 CFR Part 1320 and will not have a significant environmental impact.

List of Subjects in 36 CFR Part 223

Exports, Government contracts, National Forests, Reporting requirements, and Timber.

PART 223—[AMENDED]

For reasons set forth above, the Department of Agriculture proposes to amend Part 223 of Title 36 of the Code of Federal Regulations as follows:

1. The authority citation for Part 223 reads as follows:

Authority: Sec. 14, Pub. L. 94–588, 90 Stat. 2958, 16 U.S.C. 472a, unless otherwise noted.

2. Revise § 223.83 to read as follows:

§ 223.83 Contents of advertisement.

(a) A timber sale advertisement shall include the following information:

(1) The location and estimated quantities of timber or other forest products offered for sale.

(2) The time and place at which sealed bids will be opened in public or at which sealed bids will be opened in public followed by an oral auction.

(3) The right to reject any and all bids.

(4) The place where complete information on the offering may be obtained.

(5) Notice that a prospectus is available to the public and to interested potential bidders.

(b) For each sale outside of the State of Alaska which includes a provision for purchaser credit for construction of premanent roads with a total estimated construction cost exceeding $20,000, the advertisement shall also include:

(1) The total estimated construction cost of the permanent roads.

(2) A statement extending to small business concerns qualified for preferential bidding on timber sales, under the Small Business Act, as amended, and the regulations issued thereunder, the option to elect, when submitting a bid, to have all permanent roads constructed by the Forest Service.

(3) Notice that a prospectus, as directed in paragraph (a)(5) of this section contains additional information concerning the options to have all permanent roads constructed by the Forest Service.

3. Revise the heading and text of § 223.84 to read as follows:

§ 223.84 Contents of Prospectus.

(a) A timber sale prospectus shall include:

(1) The minimum acceptable stumpage or other unit prices.

(2) The amount or rate of any required additional payments.

(3) The amount of deposit which each bidder must make, or which must be made promptly by the successful bidder in an oral auction.

(b) For each advertisement which extends to small business concerns the option to have all permanent roads constructed by the Forest Service, the prospectus shall also include:

(1) The road standards applicable to construction of permanent roads or a reference to the source of such information.

(2) The purchaser credit limit.

(3) The date of final completion for all permanent roads.

(4) A statement explaining how the Forest Service intends to perform road construction by force account or contract, if the high bidder elects Forest Service construction.

(5) The maximum period for which timber sale contract award will be delayed while the Forest Service seeks a satisfactory construction bid. The period stated shall not exceed 120 days unless the Regional Forester approves a longer period.

4. Revise the first paragraph of § 223.85 to change the reference to "§ 223.84" to "§ 223.83(b)" so that the introductory clause to § 223.85 is revised to read as follows:

§ 223.85 Small business bid form provisions on sales with purchaser road construction credits.

For each sale described in § 223.83(b), the bid form must include provision for a small business concern:

* * * * *

5. Amend § 223.89 to substitute the word "prospectus" for the word "advertisement" in paragraph (b) so that the paragraph is revised to read as follows:

§ 223.89 Bidding methods.

* * * * *

(b) As a prerequisite to participation in an oral auction, bidders shall submit a written sealed bid at least equal to the minimum acceptable bid prices specified in the prospectus. No price subsequently bid at oral auction shall be accepted if it is less than the written sealed bid.

* * * * *

6. Amend §223.100 to substitute the word "prospectus" for the word "advertisement" in its second occurence in paragraph (e) so that the paragraph is revised to read as follows:

§ 223.100 Award to highest bidder.

* * * * *

(e) The high bidder has elected Forest Service road construction in response to an advertisement extending such an option, the Forest Service cannot perform the construction and in response to solicitation has not received a satisfactory bid for such construction within the period stated in the prospectus, and the high timber sale bidder is unwilling to perform the construction.

Dated: October 3, 1984.

John B. Crowell, Jr.,

Assistant Secretary for Natural Resources & Environment.

[FR Doc. 84-28984 Filed 11-1-84; 8:45 am]

BILLING CODE 3410-11-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL-2709-6]

San Diego Air Pollution Control District; Air Pollution Control Regulations; State of California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of Comment Period.

SUMMARY: On September 24, 1984 (49 FR 37429), EPA invited comment on the proposed approval of the San Diego Air Pollution Control District's permitting regulations. Due to the complexity of the regulations and the rulemaking, and in light of a request from the District requesting an extension of the comment period, EPA is extending the comment period to November 23, 1984.

DATE: Comments are due on or before November 23, 1984.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air Management Division, Air Operations Branch, New Source Section, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105.

Dated: October 25, 1984.

Judith E. Ayres,

Regional Administrator.

[FR Doc. 84-28904 Filed 11-1-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR PART 147

[OW-7-FRL-2709-4]

Missouri Department of Natural Resources Underground Injection Control Primacy Application

AGENCY: Environmental Protection Agency.

ACTION: Notice of public comment period and of public hearing.

SUMMARY: The purpose of this notice is to announce that: (1) The Environmental Protection Agency (EPA) has received a complete application from the Missouri Department of Natural Resources requesting primary enforcement responsibility for the Underground Injection Control (UIC) Program; (2) the application is now available for inspection and copying; (3) public comments are requested; and (4) a public hearing will be held.

The proposed comment period and public hearing will provide EPA the breadth of information and public opinion necessary to approve, disapprove, or approve in part and disapprove in part the application of the Missouri Deaprtment of Natural Resources to regulate Classes, I, III, IV, and V injection wells.

DATE: Public comments must be received by December 17, 1984.

A Public Hearing will be held on December 12, 1984, beginning at 9:00 a.m. and will continue until 4:00 p.m., or until all speakers have been heard. Requests to present oral testimony should be filed by November 23, 1984.

EPA intends to forego the hearing if sufficient public interest is not expressed. Those wishing to attend the hearing should call to confirm that a hearing is being held.

ADDRESSES: Comments and/or requests to testify at the hearing should be mailed to Theodore Fritz, Ground Water Section, Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106. Copies of the application and pertinent materials are available between 8:00 a.m. and 4:00 p.m., Monday through Friday, at the following locations:

Environmental Protection Agency, Region VII, Room 1318, 324 East 11th Street, Kansas City, Missouri 64106, Phone: (816) 374-6514

Missouri Department of Natural Resources, Division of Geology and Land Survey, 111 Fairground Road, Rolla, Missouri, Phone: (816) 364-1752

The hearing will be held at EPA, Region VII, 324 East 11th Street, Room 1600, Kansas City, Missouri.

FOR FURTHER INFORMATION CONTACT: Theodore Fritz, Ground Water Section, Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Misouri 64106, (816) 374-6514. Comments should be sent to this address.

SUPPLEMENTARY INFORMATION: This application from the Missouri Department of Natural Resources is for regulation of Class I, III, IV, and V injection wells.

The Underground Injection Control (UIC) program seeks to protect as "underground sources of drinking water" (USDWs) all aquifers capable of yielding a significant amount of water containing less than 10,000 milligrams per liter of total dissolved solids. At present, the State of Missouri has no known Class I, III, or IV injection wells. The latest inventory identified 343 Class V wells. Class V wells will be studied to assess whether further regulatory measures are required. The State of Missouri does not infend to exempt any aquifers for the use of Class I, III, IV, or V injection wells at this time.

The terms listed below comprise a complete listing of the thesaurus terms associated with 40 CFR Part 147, which sets forth the requirements for a State requesting the authority to operate its own permit program of which the Underground Injection Control Program is a part. These terms may not all apply to this particular notice.

List of Subjects In 40 CFR Part 147

Indian—lands, Reporting and recordkeeping, Intergovernmental relations, Penalties, Confidential business information, Water supply, Incorporation by reference.

This application from the Missouri Department of Natural Resources is for the regulation of all Class I, III, IV and V injection wells in the State. The application includes a description of the State Underground Injection Control Program, copies of all applicable statutes and rules, a statement of legal authority and a proposed memorandum of agreement between the Missouri Department of Natural Resources and the Region VII office of the Environmental Protection Agency.

Authority: 42 U.S.C. 300.

Dated: October 25, 1984.

Henry L. Longest II,

Acting Assistant administrator for Water.

[FR Doc. 84-28310 Filed 11-1-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 271

[WH-4-FRL-2706-8]

Tennessee; Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of Tentative Determination on Application of Tennessee for Final Authorization, Public Hearing, and Public Comment Period.

SUMMARY: Tennessee has applied for Final Authorization under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed Tennessee's application and has made the tentative decision that Tennessee's hazardous waste program satisfies all of the requirements necessary to qualify for Final Authorization. Thus, EPA intends to grant Final Authorization to the State to operate its program in lieu of the federal program. Tennessee's application for Final Authorization is available for public review and comment, and a public hearing will be held to solicit comments on the application if significant public interest is expressed.

DATE: If significant public interest is expressed in holding a hearing, a public hearing is scheduled for December 3, 1984. EPA reserves the right to cancel the public hearing if significant public interest in holding a hearing is not communicated to EPA by telephone or in writing by November 28, 1984. EPA will determine by November 30, 1984, whether there is significant interest to hold the public hearing. Tennessee will participate in the public hearing held by EPA on this subject if a hearing is to be held. All written comments on the Tennessee Final Authorization Application must be received by the close of business on December 3, 1984.

ADDRESSES: Copies of Tennessee's Final Authorization Application are available from 8:00 a.m. to 4:30 p.m. at the following addresses for inspection and copying:

Mr. Tom Tiesler, Director, Division of Solid Waste Management, Tennessee Department of Health and Environment, T.E.R.R.A. Building, 150 9th Avenue, North, Nashville, Tennessee 37203, (615) 741-3424

Environmental Protection Agency, Regional Office Library, Room 121, 345 Courtland Street, N.E., Atlanta, Georgia 30365, Contact: Carolyn Mitchell, (404) 881-4216

U.S. Environmental Protection Agency, Headquarters Library, PM-211A, 401 M Street, S.W., Washington, DC 20460, (202) 382-5926

Written comments on the application and written or telephone communication of interest in EPA's holding a public hearing on the Tennessee application must be sent to: Allan E. Antley, Chief, Waste Planning Section, U.S. EPA, 345 Courtland Street, NE., Atlanta, Georgia 30365, (404) 881-3016.

If you wish to find out whether or not EPA will hold a public hearing on the Tennessee application based upon EPA's decision that there was significant public interest in such a hearing, write or telephone after November 30, 1984, the EPA contact person listed below, or telephone Mr. Tom Tiesler, Director, Division of Solid Waste Management, Tennessee Department of Health and Environment, T.E.R.R.A. Building, 150 9th Ave., North, Nashville, Tennessee 37203 (615) 741-3424.

If significant public interest is expressed, EPA will hold a public hearing on Tennessee's application for Final Authorization on December 3, 1984, 7:00 P.M. at the Tennessee Legislative Plaza, 6th Avenue, North and Deadrick Street, Nashville, Tennessee.

FOR FURTHER INFORMATION CONTACT: Allan E. Antley, Chief, Waste Planning Section, Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365, (404) 881-3016.

SUPPLEMENTARY INFORMATION:

A. Background

Section 3006 of the Resource Conservation and Recovery Act (RCRA) allows EPA to authorize the State hazardous waste programs to operate in the State in lieu of the Federal hazardous waste program. Two types of authorization may be granted. The first type, known as "Interim Authorization," is a temporary authorization which is granted if EPA determines that the State program is "substantially equivalent" to the Federal program (Section 3006(c), 42 U.S.C. 6226(c)). EPA's implementing regulations at 40 CFR 271.121-271.137 established a phased approach to Interim Authorization: Phase I, covering the EPA regulations in 40 CFR Parts 260-263, and 265 (universe of hazardous wastes, generator standards, transporter standards, and standards for interim status facilities), and Phase II, covering the EPA regulations in 40 CFR Parts 124, 264, and 270 (procedures and standards for permitting hazardous waste management facilities).

Phase II, in turn, has three components. Phase II A covers general permitting procedures and technical standards for containers and tanks. Phase II B covers permitting of incinerator facilities, and Phase II C addresses permitting of landfills, surface impoundments, waste piles, and land treatment facilities. By statute, all Interim Authorizations expire on January 26, 1985. Responsibility for the hazardous waste program returns (reverts) to EPA on that date if the State has not received Final Authorization, as described below.

The second type of authorization is a "Final (permanent) Authorization" that is granted by EPA if the Agency finds that the State program (1) is "equivalent" to the Federal program, (2) is consistent with the Federal program and other State programs, and (3) provides for adequate enforcement (Section 3006(b), 42 U.S.C. 6226(b)). States need not have obtained Interim Authorization in order to qualify for Final Authorization. EPA regulations for Final Authorization appear at 40 CFR 271.1-271.23.

B. Tennessee

The State received Interim Authorization for Phase I on July 16, 1981. Tennessee did not receive authorization for Phase II of the RCRA program and was granted an extension of Interim Authorization past the statutory deadline of July 26, 1983 (48 FR 48827, October 21, 1983 and 49 FR 13526, April 5, 1984). On May 1, 1984, the State submitted its draft application for Final Authorization. The complete application was submitted on July 31, 1984. Prior to submission of the complete application to EPA, Tennessee solicited public comments and issued a public notice for a hearing in Nashville, Tennessee on July 20, 1984. Two written comments were received from the public during the comment and hearing period. Both comments were supportive of Tennessee's receiving Final Authorization.

EPA comments on the final application were forwarded to the State on August 30, 1984. The comments requested that the Attorney General either make assurances as set forth under 40 CFR 271.16(d)(2) pertaining to public participation in the State enforcement process or utilize a hybrid approach as sanctioned in 40 FR 7371 (February 29, 1984).

EPA also requested the State to amend the Memorandum of Agreement to include: (1) The enforcement/compliance agreement being developed by EPA; (2) a statement which commits the State to obtain concurrence from the Regional Administrator on all variances which might make the State program less stringent than the Federal program; and (3) an Agreement from the State to send copies of the fact sheet or Statement of Basis, the permit application and the draft permit to the parties specified in 40 CFR 124.10(c)(1)(ii).

EPA has reviewed Tennessee's application and has tentatively determined that with the above mentioned revisions, the State's program meets all the requirements necessary to qualify for Final Authorization. Tennessee agreed to these revisions in a letter dated September 26, 1984.

EPA also assessed the capability of Tennessee's Waste Management Program and determined that it would be adequate only if EPA provided direct assistance in the permitting effort. The permitting task will be extensive through fiscal years 1984 and 1985 and in a Letter of Intent signed by both the State and EPA, EPA has agreed to provide the required assistance. Based on the revisions submitted on September 26, 1984, and the agreement on direct assistance, EPA intends to grant Final Authorization to Tennessee. Copies of Tennessee's application is available for inspection and copying at the location indicated in the "**ADDRESSES**" section of this notice.

EPA will consider all public comments on its tentative determination. Issues raised by those comments may be the basis for a decision to deny Final Authorization to Tennessee. EPA expects to make a final decision on whether or not to approve Tennessee's program by January 22, 1985, and will give notice of it in the Federal Register. The notice will include a summary of the reasons for the Final Determination and a response to all major comments.

Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(B), I hereby certify that this authorization will not have significant economic impact on a substantial number of small entities. The authorization suspends the applicability of certain Federal regulations in favor of the State program, thereby eliminating duplicative requirements for handlers of hazardous wastes in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Executive Order 12291

The Office of Management and Budget (OMB) has exempted this rule from the requirements of Section 3 Executive Order 12291.

List of Subjects in 40 CFR Part 271

Hazardous materials, Indian lands, Reporting and record keeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information.

Authority: This notice is issued under the authority of Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b), EPA Delegation 8-7.

Dated: October 5, 1984.

Charles R. Jeter,

Regional Administrator.

[FR Doc. 84-28873 Filed 11-1-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

(47 CFR Part 73)

[MM Docket No. 84-1008; RM-4808]

TV Broadcast Station in Joplin, Missouri, Fort Scott and Columbus, KS

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein, at the request of Ozark Public Telecommunications, Inc., proposes the assignment of UHF TV Channel *26 to Joplin, Missouri, as a substitute for Channel *22. In addition, this requires the substitution of UHF TV Channel 20 for Channel 26 in Fort Scott, Kansas; and the substitution of UHF TV Channel *48 for *34 in Columbus, Kansas. The proposal would enable the petitioner to provide a noncommercial educational service to Joplin.

DATES: Comments must be filed on or before December 17, 1984, and reply comments on or before January 2, 1985.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Joplin, Missouri, Fort Scott and Columbus, Kansas); MM Docket No. 84-1008 RM-4808.

Adopted: October 18, 1984.

Released: Octobr 26, 1984.

By the Chief, Policy and Rules Division.

1. Before the Commission for consideration is a petition for rule making filed May 21, 1984, by Ozark Public Telecommunications, Inc., ("petitioner") seeking the assignment of UHF TV Channel *26 to Joplin, Missouri. This can be accomplished by deleting UHF TV Channel 26 in Fort Scott, Kansas, and UHF TV Channel *48 for Channel *34 in Columbus, Kansas.[1] The substitutions can be made in compliance with the minimum distance separation requirements of the Commission's Rules. Petitioner submitted information in support of the proposal and expressed an intention in applying for the channel, if assigned.

2. Joplin (population 38,893) [2] in Jasper County (population 86,958) is located in southwest Missouri, approximately 113 kilometers (70 miles) west of Springfield, Missouri. Joplin is presently served by two commercial television stations (Channel 12+ and 16), and a noncommercial educational Channel *22, which is unoccupied and unapplied for.

3. Petitioner, licensee of noncommercial educational TV Station KOZK (Channel *21), in Springfield, Missouri, under a grant from the Public Telecommunications Facilities Program of the National Telecommunications and Information Administration, U.S. Department of Commerce, studied ways to provide off-the-air pubic television service to Joplin. As a result of the study, petitioner proposes to rebroadcast KOZK's signal on a repeater transmitter or satellite on Channel *26 in Joplin. It would not be technically feasible to retransmit the signal from its current Channel *21 to first adjacent Channel *22.

4. In view of the fact that the proposal could provide a new public television service to Joplin, the Commission believes it would be in the public interest to seek comments on the proposal to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules, for the following communities:

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

[1] Presently, the channels in Joplin, Missouri, Fort Scott and Columbus, Kansas, are all unoccupied and unapplied for.

[2] Population figures are taken from the 1980 U.S. Census.

6. Interested parties may file comments on or before December 17, 1984, and reply comments on or before January 2, 1985, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows:

Allen Sheets, 300 Mulvaney, D-20, Knoxville, Tennessee (Petitioner)

Edward M. Johnson, One Regency Square, Suite 450, Knoxville, Tennessee 37915 (Consultant to Petitioner)

7 The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Patricia Rawlings, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contracts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contract is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the

Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intentions to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedure.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 84-28927 Filed 11-1-84; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84-1007; RM-4758]

TV Broadcast Station in Texarkana, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein, at the request of Allen Sheets, proposes the assignment of UHF Television Channel 46 to Texarkana, Texas, as the community's third commercial television service.

DATES: Comments must be filed on or before December 17, 1984, and reply comments on or before January 2, 1985.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Texarkana, Texas); MM Docket No. 84-1007, RM-4758.

Adopted: October 18, 1984.
Released: October 26, 1984.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration a petition for rule making filed January 25, 1984, by Allen Sheets ("petitioner"), seeking the assignment of UHF TV Channel 46 to Texarkana, Texas, as that community's third commercial television facility. Petitioner has stated an intention to apply for the channel, if assigned.

2. Texarkana (population 31,271),[1] in Bowie County (population 75,301), is located in northeastern Texas, approximately 265 kilometers (165 miles) northeast of Dallas.

3. UHF TV Channel 46 can be assigned to Texarkana, Texas, in compliance with the minimum distance separation requirements of § 73.610 of the Commission's Rules.

4. In view of the fact that Texarkana could receive a third commercial television broadcast service, the Commission believes it would be in the public interest to seek comments on the proposal to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules for the following community:

City	Channel No.	
	Present	Proposed
Texarkana, TX	6, 17-, and *34	6, 17-, *34 and 46.
Columbus, KS	*34+	*46-
Fort Scott, KS	26-	20+
Joplin, MO	12+, 16 and *22-.	12+, 16, and *26-.

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures and filing requirements are contained in the attached Appendix and are incorporated by reference herein. Note: A showing of continuous interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before December 17, 1984, and reply comments on or before January 2, 1985 and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows:

Ozark Public Telecommunications, Inc., MPO Box 21, Springfield, MO 65801 (Petitioner)

Kenneth Salomon, Esq., Dow, Lohnes and Albertson, 1225 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036 (Counsel for Petitioner)

7 The Commissioner has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Patricia Rawlings, Mass Media Bureau, (202)

[1] Population figures are taken from the 1980 U.S. Census.

634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considerd in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties much be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in the proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-28625 Filed 11-1-84; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 49, No. 214
Friday, November 2, 1984

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Regulation Committee; Meeting; Preemption of State Regulation

AGENCY: Administrative Conference of the United States; Committee on Regulation.

ACTION: Committee meeting.

Agenda

The Committee will vote on a final proposed recommendation dealing with preemption of state regulation.

Date and time: November 8, 1984, 9:30 a.m.

Location: 2120 L Street, NW., Suite 500, Washington, D.C.

Public participation: Attendance at the Committee's meeting is open to the public, but limited to space available. Persons wishing to attend should notify the contact person at least two days in advance of the meeting. The Committee chairman may permit members of the public to present appropriate oral statements at the meeting. Any member of the public may file a written statement with the Committee before, during, or after the meeting. Minutes of the meeting will be available on request to the contact person. This meeting is subject to the Federal Advisory Committee Act (Pub. L. 92-463).

FOR FURTHER INFORMATION CONTACT: William C. Bush, Administrative Conference of the United States, 2120 L Street NW., Suite 500, Washington, D.C. 20037 Telephone: (202) 254-7065.

1. Preemption

SUPPLEMENTARY INFORMATION:

Subject

This project centers on the criteria and procedures appropriate for use when a federal agency that is in the process of deregulating an activity must decide whether regulation of the same activity by the states should also be limited. The Committee will review the final report of consultant Dean Richard J. Pierce of the University of Pittsburg School of Law. Dean Pierce's report is entitled "Regulation, Deregulation, Federalism and Administrative Law."

The Committee will consider and vote on whether to forward to the Plenary Session of the Administrative Conference the following proposal.

Committee on Regulation Proposed Recommendation—Preemption of State Regulation by Federal Agencies

Draft: October 30, 1984.

States have the power to regulate many forms of conduct. Each state must have broad power to regulate in ways that it believes to be in the best interest of its citizens, subject to the limitations stated in the federal and state constitutions. The nature and magnitude of the problems that require regulatory action vary substantially among the states, and state governments are normally in a better position than the federal government to determine the types of regulations that will serve the interest of the state's citizens. States sometimes have an incentive, however, to impose regulations that advance state interests at the expense of other states' interests or of national interests.

Federal courts have applied the Commerce Clause to limit state power to affect national interest only in those few cases where the state action clearly discriminates against interstate commerce or protests in-state economic interests from out-of-state competition. Institutionally, however, courts are ill-suited to attempt to limit state power to harm national interests when state regulation furthers in-state interest of one type while it simultaneously frustrates a national interest of a different type.

Congress can limit state power to harm national interests when: (i) A congressional intent to occupy a field completely is expressed in a statute; (ii) a regulatory duty imposed by Congress is directly in conflict with a duty imposed by a state; or (iii) Congress explicitly preempts the specific type of state regulation at issue. The conflict, delay, and uncertainty of outcome that occurs when preemption issues clearly and explicitly when enacting regulatory statutes. The congressional agenda is so crowded, however, that Congress cannot be expected to consider explicitly and in detail all of the forms of state regulation that may harm the national interest. Congress experiences particular difficulty anticipating and resolving directly the many arguable conflicts between the national interest and new state regulations issued in the aftermath of a federal decision to deregulate an area of conduct.

Because of the limited ability of Congress and the Judiciary to act as checks on state regulation that harms the national interest, states possess, in practice, the power to impose regulations that produce net benefits within the state but that produce substantial net detriments on a national level. Without an additional federal source of constraint on state regulatory power, states can be expected to regulate in this manner frequently.

Federal agencies can play a valuable role in supplementing the inadequate judicial and congressional constraints on state regulation. Courts regularly affirm federal agency actions that preempt state regulations when the preemptive effect of the federal action is no broader than can be justified by the evidence of need for preemption. Federal agencies sometimes consider preemption of a state law or regulation, however, without providing affected states notice and an opportunity to demonstrate that the state law or regulation either does not have a substantial adverse impact on out-of-state interests, or furthers a state interest that is so important that the federal agency should permit the state law or regulation to remain in effect notwithstanding its adverse impact on out-of-state interests.

A federal agency considering a regulatory action-whether to expand or reduce regulatory constraints-should be sensitive both to the need to preempt state laws that seriously disrupt the federal program, and to the need to take into account the state's special needs and circumstances.

Recommendation

1. Congress should address preemption issues clearly and explicitly when it enacts a statute regulating or deregulating an area of conduct.

2. Each federal agency should consider the need to preempt state laws or regulations that harm out-of-state

interests in the areas of regulatory responsibility delegated to that agency by Congress. Particularly in the circumstances where a federal regulatory program is being reduced or eliminated (deregulation), an agency needs to be alert to the form and magnitude of state regulation that may exist—or may be quickly adopted—to fill the void left by the diminished federal regulation.

3. When a federal agency foresees the possibility of a future conflict between a state law or regulation and out-of-state interests within the federal agency's area of regulatory responsibility, the agency should, when practicable, engage in informal dialogue with state authorities in an effort to avoid such a conflict.

4. When a federal agency proposes to act through agency adjudication or rulemaking to preempt a state law or regulation, the agency should provide all affected states notice and an opportunity to participate effectively in the proceedings. Such opportunity to participate should include the opportunity to demonstrate either (i) that the state law or regulation has no substantial impact on out-of-state interests, or (ii) that the state law or regulation is necessary to further state interests that are so important that the law or regulation should remain in effect notwithstanding the impact on out-of-state interests.

October 30, 1984.

Richard K. Berg,

General Counsel.

[FR Doc. 84-28918 Filed 11-1-84; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

National Agricultural Research and Extension Users Advisory Board; Meeting

According to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), the Office of Grants and Program Systems announces the following meeting:

Name: National Agricultural Research and Extension Users Advisory Board.

Date: November 27-28, 1984.

Time: 8:00 a.m.-5:00 p.m., November 27, 1984; 8:00 a.m.-5:00 p.m., November 28, 1984.

Place: Rosslyn Westpark Hotel, 1900 N. Fort Myer Drive, Arlington, Virginia.

Type of meeting: Open to the public. Persons may participate in the meeting as time and space permit.

Comments: The public may file written comments before or after the meeting with the contact person below.

Purpose: The Board will meet with the Joint Council on Food and Agricultural Sciences to prepare recommendations that improve the competitive position and profitability of agriculture through research, extension, and teaching programs.

Contact person for agenda and more information: Barbara L. Fontana, Executive Secretary, National Agricultural Research and Extension Users Advisory Board; Room 319-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250; telephone (202) 447-3684.

Done in Washington, D.C., this nineteenth day of October 1984.

Barbara L. Fontana,

Executive Secretary, National Agricultural Research and Extension Users Advisory Board.

[FR Doc. 84-28933 Filed 11-1-84; 8:45 am]

BILLING CODE 3410-MT-M

Soil Conservation Service

Horse Creek Watershed, GA; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Horse Creek Watershed, Telfair and Dodge Counties, Georgia.

FOR FURTHER INFORMATION CONTACT: B.C. Graham, State Conservationist, Soil Conservation Service, Federal Building, Box 13, 355 East Hancock Avenue, Athens, Georgia 30601; telephone: 404-546-2273.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, B.C. Graham, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns are rill, sheet, and gully erosion affecting cropland. The planned works of improvement include cost sharing and accelerated technical assistance to increase the application of land treatment measures such as terraces, grassed waterways, no-till, water and sediment control basins, diversions, contouring, and conservation cropping systems.

The Finding of No Significant Impact (FONSI) and a copy of the Environmental Assessment have been forwarded to the Environmental Protection Agency, Federal, State, and local agencies, and interested parties. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. B.C. Graham. A limited number of copies of the environmental assessment are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the Federal Register.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: October 24, 1934.

B.C. Graham,

State Conservationist.

[FR Doc. 84-28934 Filed 11-1-84; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations (See 14 CFR 302.1701 et. seq.); Week Ended October 26, 1984.

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a Show-Cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Oct. 26, 1984	42587	Nordair Ltee.-Nordair Ltd., c/o John M. Kriz, Windels, Marx, Davies & Ives, 51 West 51st Street, New York, New York 10019. Application of Nordair Ltee.-Nordair Ltd. pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations, applies for authority to engage in foreign air transportation of persons, property and mail between Montreal (Mirabel International Airport), Province of Quebec, Canada and Fort Lauderdale, Florida, U.S.A., commencing on November 9, 1984. Nordair proposes to operate three scheduled, direct round-trip flights weekly on the above route, utilizing Boeing 737-200 jet aircraft, in a 119-seat configuration. Answers may be filed by November 23, 1984.

Phyllis T. Kaylor,
Secretary.
[FR Doc. 84-28994 Filed 11-1-84; 8:45 am]
BILLING CODE 6320-01-M

Fitness Determination of Chicago Airlink Partnership and Chicago Airlink, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of commuter air carrier fitness determination—Order 84-10-69, order to show cause.

SUMMARY: The Board is proposing to find that Chicago Airlink Partnership and Chicago Airlink, Inc. are U.S. citizens and are fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service will conform to applicable safety standards.

Responses: All interested persons wishing to respond to the Board's tentative fitness and citizenship determinations shall file their responses with the Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and serve them on all persons listed in Attachment A to the order. Responses shall be filed no later than November 5, 1984.

FOR FURTHER INFORMATION CONTACT: Patricia T. Szrom, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428 (202) 673-5088.

SUPPLEMENTARY INFORMATION: The complete text of Order 84-10-69 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 84-10-69 to that address.

By the Civil Aeronautics Board: October 16, 1984.

Phyllis T. Kaylor,
Secretary.
[FR Doc. 84-28995 Filed 11-1-84; 8:45 am]
BILLING CODE 6320-01-M

[Docket No. 42321]

Hawaii One Corporation Fitness Investigation; Assignment of Proceeding

This proceeding has been assigned to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed to him.

Dated: Washington, D.C., October 26, 1984.

Elias C. Rodriguez,
Chief Administrative Law Judge.
[FR Doc. 84-28997 Filed 11-1-84; 8:45 am]
BILLING CODE 6320-01-M

Application of Jet East, Inc., for Certificate Authority

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (Order 84-10-67).

SUMMARY: The Board is proposing to find Jet East, Inc., fit, willing, and able and to issue it certificates of public convenience and necessity under section 401 of the Federal Aviation Act authorizing it to provide interstate, overseas and foreign charter air transportation of persons, property, and mail.

Responses: All interested persons wishing to respond to the Board's tentative fitness determination and proposed certificate awards shall file, and serve upon all persons listed below no later than November 13, 1984, a statement of their responses, together with a summary of testimony, statistical data, and other material expected to be relied upon to support any objections raised.

ADDRESS: Responses should be filed in Dockets 42126 and 42127 and addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, and should be served upon the parties listed in the Attachment to the order.

FOR FURTHER INFORMATION CONTACT: Nicholas Lowry, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, (202) 673-5333.

SUPPLEMENTARY INFORMATION: The complete text of Order 84-10-67 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 84-10-67 to that address.

By the Civil Aeronautics Board: October 16, 1984.

Phyllis T. Kaylor,
Secretary.
[FR Doc. 84-28996 Filed 11-1-84; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

President's Commission on Industrial Competitiveness; Meeting

AGENCY: Office of Economic Affairs, Commerce.

ACTION: Notice of meeting.

SUMMARY: This notice announces the forthcoming meeting of the President's Commission on Industrial Competitiveness (Commission). The Commission was established by Executive Order 12428 on June 28, 1983 and its charter was approved on August 23, 1983. The Commission shall review means of increasing the long-term competitiveness of United States industries at home and abroad, with particular emphasis on high technology, and provide appropriate advice to the President through the Cabinet Council on Commerce and Trade and the Department of Commerce.

Time and Place: On November 19, 1984 the Capital Resources Committee will meet from 10:00 a.m. to 5:00 p.m. at the Ramada O'Hare Hotel, 6600 North Mannheim Road, Rosemont, Illinois. The agenda will include discussion of the draft committee report.

Public Participation: The meeting will be open to public attendance. A limited

number of seats will be available for the public on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT:

J. Paul Royston, President's Commission on Industrial Competitiveness, 736 Jackson Place NW., Washington, DC 20503, telephone: 202–395–4527

Dated: October 30, 1984.

Egils Milbergs,

Executive Director, President's Commission on Industrial Competitiveness.

[FR Doc. 84–28922 Filed 11–1–84; 8:45 am]

BILLING CODE 3510–18–M

International Trade Administration

State University of New York; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No.. 84–212.

Applicant: State University of New York, New York, NY 10010.

Instrument: Joyce Display and GRSYS 2 Microprocessor Grating Generator.

Manufacturer: Joyce Electronics, Ltd., United Kingdom.

Intended use: See notice at 49 FR 28288.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides very high levels of illumination and raster rotation through 360 degrees. The National Institutes of Health advises in its memorandum dated August 28, 1984 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84–28936 Filed 11–1–84; 8:45 am]

BILLING CODE 3510–DS–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishing Import Limits for Certain Cotton Textile Products Produced or Manufactured in Indonesia

October 29, 1984.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on October 30, 1984. For further information contact James Nader, International Trade Specialist (202) 377–4212.

Background

On August 22 and 29, 1984 notices were published in the Federal Register (49 FR 33305 and 34285), which established import restraint limits for twill fabric and printcloth in Categories 317 pt. (only TSUS numbers 320.— through 331.— with statistical suffixes 58 and 64) and 320 pt. (only TSUSA numbers 320.—92, 321.—92, 322.—92, 326.—92, 327 —92, and 328.—92) produced or manufactured in Indonesia and exported during the ninety-day period which began on July 31, 1984 and extended through October 28, 1984, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 13 and November 9, 1982, as amended, between the Governments of the United States and the Republic of Indonesia. The notices also stated that the Government of the Republic of Indonesia is obligated under the bilateral agreements, if no mutually satisfactory solution is reached on levels for these categories suring consultations, to limit its exports during the period beginning on July 31, 1984 and extending through June 30, 1985 to 2,971,341 square yards for Category 317 pt. and 3,527,491 square yards for Category 320 pt.

The notice also stated that merchandise in the categories which is in excess of the ninety-day limits, if it is allowed to enter, may be charged to the prorated limits.

The United States Government has decided, inasmuch as no mutually satisfactory solution has been agreed concerning these categories, to control imports at the designated limits. The limits may be adjusted to include prorated swing and carryforward.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), and July 16, 1984 (49 FR 28754).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

October 29, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,

Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 13 and November 9, 1982, as amended, between the Governments of the United States and the Republic of Indonesia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972 as amended, you are directed to prohibit, effective on October 30, 1984, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 317 pt.[1] and 320 pt.[2], produced or manufactured in Indonesia and exported during the period which began on July 31, 1984 and Indonesia and exported during the period which following limits:

Category	Restraint limit [3] square yards
317 pt.[1]	3,527,491
320 pt.[2]	2,971,341

[1] In Category 317 only TSUS numbers 320.—through 331.—with statistical suffixes 53 and 64.
[2] In Category 320, only TSUSA numbers 320.—92, 321.—92, 322.—92, 326.—92, 327.—92, and 328.—92.
[3] The limits have not been adjusted to reflect any imports exported after July 30, 1984.

Textile products in Categories 317 pt.[1] and 320 pt.[2], which have been exported to the United States during the ninety-day period which began on July 31, 1984 and extended through October 28, 1984 shall be subject to this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28,

[1] In Category 317 only TSUS numbers 320.—through 331.—with statistical suffixes 58 and 64.

[2] In Category 320, only TSUSA numbers 320.—92, 321.—92, 322.—92, 326.—92, 327.—92, and 328.—92.

1984 (49 FR 26622), and July 16, 1984 (49 FR 28754).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-28895 Filed 11-1-84; 8:45 am]

BILLING CODE 3510-DR-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1985; Establishment; Notice Correction

In FR Doc. 84-27673 appearing at page 41195 in the issue for Friday, October 19, 1984, make the following corrections:

1. On page 41196, second column, under CLASS 1730, first line should read "Chock Wheel, Codit Reflecting" Same column, the next seven lines should read "-00-"

2. On page 41196 third column, the first four lines should read "-00-" Same column, under CLASS 2540, the eighth line should read "Cushion Assembly, Seat Back"

3. On page 41198, third column, under CLASS 6645, Clock, Wall, the third and fourth lines, two-digit number reading "-0" should read "-01"

4. On page 41200, first column, under CLASS 7510, Calendar Pad, the first line, three-digit number reading "-177" should read "-117" Same column, two lines down, should read "Clip, Binder"

5. On page 41201, first column, fourth line from the top, two-digit number reading "-00" should read "-01"

6. On page 41201, second column, the seventeenth line from the top, should read "Folder, File, Pressboard"

7 On page 41202, first column, the fifth line from the top, three-letter reading "NHS" should read "NSH" Same column, under CLASS 7920, Broom, Push, first line reading "7920-267-2967" should read "7920-00-267-2967" Same column, the third line from the bottom, last four-digit number reading "-3363" should read "-2363"

8. On page 41202, second column, the eighth line from the top, three-digit number reading "-591" should read "-951"

9. On page 41202, third column, last line, two-digit number reading "-00" should read "-01"

10. On page 41203, first column, under CLASS 8105, Bag, Cotton, first line, last four-digit number reading "-6918" should read "6981"

11. On page 41204, second column, under CLASS 8415, Apron, Food Handler's (IB), fourth line, two-digit number reading "-00" should read "-01"

12. On page 41204, third column, under CLASS 8440, Belt, Trousers, eleventh line and thirteenth line, two-digit numbers reading "-00" should read "-01"

13. On page 41205, second column, under CLASS 8970, Plate, Marking, Blank, first line reading "9905-473-6336" should read "9905-00-473-6336" Same column, under Tag, Marker, first line reading "-8944" should read "-8954", second line reading "-8945" should read "-8955", third line reading "-8946" should read "-8956"

14. On page 41205, third column, under Military Resale Commodities, Item No. 501 should read "Deodorizer, toilet bowl"

15. On page 41206, third column, under Commissary Shelf Stocking and Custodial Service, ninth line under Department of Air Force, should read "McConnell Air Force Base, Kansas".

16. On page 41210, third column, under Sponge Rubber Mattress Rehabilitation, second line, the third word reading "Gas" should read "GSA"

C. W. Fletcher,

Executive Director.

[FR Doc. 84-28802 Filed 11-1-84; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Federal Acquisition Regulations System; Information Collection Activities Under OMB Review

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Federal Acquisition Regulations (FAR) Secretariat plans to request the Office of Management and Budget (OMB) to review and approve a revision of a currently approved information collection.

ADDRESSES: Send comments to Franklin S. Reeder, FAR Desk Officer, Room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Victoria Moss, Office of Federal Acquisition and Regulatory Policy, 202-523-4799.

SUPPLEMENTARY INFORMATION: Cost or Pricing Data.

a. *Purpose:* This clause requires that prime contractors or any subcontractor on certain Federal contractual actions submit certified cost or pricing data to assure the negotiation of a fair and reasonable price. The threshold for submission of such data was reduced from $500,000 to $100,000 by Pub. L. 98-369.

b. *Annual reporting burden:* This is estimated as follows: Respondents 14,781; response 147,814; and hours 591,256.

Obtaining copies of proposals: Requestors may obtain copies from the FAR Secretariat (VR), Room 4041, GS Building, Washington, DC 20405, telephone 202-523-4755.

Dated: October 26, 1984.

Roger M. Schwartz,

Director, FAR Secretariat.

[FR Doc. 84-28882 Filed 11-1-84; 8:45 am]

BILLING CODE 6820-61-M

Department of the Army

Description of Procedure Governing Disqualification and Non-Use of Carriers of DOD Traffic

AGENCY: Military Traffic Management Command, Army, DOD.

ACTION: Notice of revised procedures.

SUMMARY: Notice is herey given of the issuance of MTMC Regulation No. 15-1, a revised procedure governing the disqualification or placement in non-use status of commercial carriers, agents, or freight forwarders of DOD traffic. Because of transportation deregulation and the increasing number of new carriers eligible to participate in DOD traffic, MTMC experiences an increased risk of service failures by unreliable carriers. The revised procedure is intended to provide a comprehensive framework for making disqualification or non-use determinations regarding carriers.

EFFECTIVE DATE: MTMC Regulation No. 15-1 will apply for all proceedings initiated on or after 2 November 1984.

FOR FURTHER INFORMATION CONTACT: William J. Dowell, General Attorney,

MTMC, Attention: MT–JA, 5611 Columbia Pike, Falls Church, VA 22041–5050. Telephone: (703) 756–1580.

SUPPLEMENTARY INFORMATION: This notice of issuance of MTMC Regulation No. 15–1, Transportation and Travel, Procedure for Disqualifying and Placing Carriers in Non-Use, is given for the purpose of informing the public of our revised disqualification procedure. Notice of proposed rulemaking and comments thereto are unnecessary because of the applicability of the military and public contracts exceptions of 5 U.S.C. 553(a)(1)(2) and the exception in 5 U.S.C. 553(b)(3)(A) for rules of agency organization, procedure, or practice. For the same reasons, a 30–day delayed effective date is unnecessary under 5 U.S.C. 553(d)(3).

MTMC Regulation No. 15–1 revises and supersedes procedures heretofore applicable in MTMC Memorandum No. 15–1, Boards, Commissions, and Committees, Procedure for Suspending and Disqualifying Carriers, and in Section XV, Chapter 4, of MTMC Regulation No. 55–1, Inland Freight Traffic Regulation.

The significant changes contained in MTMC Regulation No. 15–1 are as follows:

a. It eliminates the term "suspension" and substitutes the term "non-use" which more accurately describes the nature of the action taken.

b. It eliminates the use of "probation"

c. It expands the authority of area commands to disqualify carriers, agents, etc.

d. It standardizes, clarifies, and distinguishes the reasons for disqualification or non-use of a carrier so that all elements of the Command will use the same terminology, practices, and reasons for their actions.

MTMC Regulation No. 15–1, as set forth below, is adopted.

Dated: October 25, 1984.

James D. Rockey,

Col, GS, Chief of Staff.

In consideration of the above, MTMC Regulation No. 15–1 is issued as follows:

MTMC Regulation No. 15–1—Transportation and Travel Procedure for Disqualifying and Placing Carriers in Non-Use[1]

[1] This regulation supersedes MTMC Memo 15–1, 24 June 1983, and Section XV, Chapter 4, C2 MTMCR 55–1.

1. Purpose

This regulation prescribes MTMC procedures (as opposed to DAR/FAR procedures) governing disqualification or non-use, or carriers or agents contracting with MTMC for transportation of Department of Defense (DOD)-sponsored freight, personal property or passengers. These procedures will be followed when area commanders, field offices, or designated MTMC representatives act to disqualify or place a carrier or agent in non-use or recommend to an area commander or HQ MTMC that a carrier, agent, or freight forwarder be disqualified or placed in non-use or when HQ MTMC determines to take such action.

2. Authority

The provisions of this regulation are based on the authority contained in 5 U.S.C 301 and 10 USC 2311 as relates to the handling of DOD transportation requirements by qualified carriers and DOD Directives 5160.53, 4500.9, 4500.34 and DOD Regulation 4500.34R. The authority and procedures contained in this regulation do not abrogate the authority of the Commander, MTMC, to disqualify a carrier from participation in DOD traffic for any period of time as deemed necessary. The military and public contracts exceptions of section 553(a)(1)(2) of 5 U.S.C. apply to this regulation.

3. Definitions

a. *Disqualification* is the act of excluding a carrier or agent from participating in transporting DOD freight, personal property, or passengers because of unsatisfactory service. Disqualification may be for specific routes or for all routes. It will normally not exceed a maximum period of two years. Area commanders' authority to disqualify is limited to a 180-day period. See figure 1 for minimum periods of disqualification.

b. *Hearing* is a method for filing requests for and engaging in the opportunity to present information and to rebut information and a decision based upon the administrative record.

c. *Letter of Warning* is a notice of a deficiency in a carrier's performance, or in the administrative requirements for participating in the freight, personal property, or passenger transportation program which, if not remedied, may result in disqualification or non-use action.

d. *Non-use* is an act of excluding a carrier from participating in the freight, personal property, or passenger transportation program for any of the reasons listed in paragraph 5b which indicate that a carrier does not meet or is in violation or breach of the requirements necessary to participate in the DOD transportation program. The period of non-use will last until the carrier furnishes proof that the conditions causing the non-use status have been remedied except as to actions taken under para 5b (9) thru (13) based on debarment by DOD or other Federal agencies. The period of non-use will be in effect until such time as the carrier's name is removed from the consolidated list of debarred contractors. A carrier may also be placed in a temporary status of non-use up to 30 days for reasons specified in paragraph 5a pending a disqualification board determination.

4. General.

The following are procedures which MTMC will follow to exclude carriers or agents from participating in moving DOD shipments or passengers under negotiated agreements, tariffs, tenders of service, Government transportation requests, rate and service proposals, commercial or Government bills of lading, and similar arrangements. To ensure that the Government receives full and free competition benefits from interested carriers, disqualification will not apply for a period longer than necessary to protect the interests of the Government. Any action to non-use or disqualify any carrier under any other regulation will be carried out through application of this regulation. MTMC may continue to honor Government bills of lading, Government transportation requests, contracts, or similar transportation arrangements that are in existence at the time the carrier was disqualified, unless a review board recommends otherwise and that recommendtion is approved. Disqualification may include a prohibition against bidding, during the disqualification period, on services to be performed subsequent to the disqualification period.

5. Causes and Conditions for Non-Use or Disqualification

The causes and conditions for disqualifying or placing a carrier in non-use are listed below:

a. *Disqualification.* A record of failure to perform or unsatisfactory performance according to the terms of negotiated agreements, tariffs, tenders of service, commercial or Government bills of lading, contracts, or similar arrangements determining the relationship of the parties. Failure to perform or unsatisfactory performance includes, but is not limited to, the following:

(1) Failure to meet ordered packing/pickup dates for freight/personal property; failure to meet scheduled departure/arrival times for passenger movments; repeated refusals to accept freight/personal peoperty.

(2) Deliveries exceeding time-in-transit standards when established by the Government.

(3) Failure to meet required delivery dates on Government or commercial bills of lading.

(4) Mishandling of freight, e.g., damaged or missing transportation seals or improper loading, blocking, packing, or bracing, or failure to adequately protect a DOD shipment.

(5) Loss or damage.

(6) Improper routing.

(7) Failure to furnish proper or adequate equipment (e.g. seat space, supplies, meals, etc.) or facilities.

(8) Use of intemperate, vulgar or abusive language, drug or alcohol abuse, engaging in offensive conduct.

b. *Non-Use.* Failure to comply with or violations of the terms of negotiated agreements, tariffs, tenders of service, commercial or Government bills of lading, contracts, or similar arrangements determining the relationship of the parties or statutes and regulations which pertain to safety, security, ethics, criminality, wages, equal opportunity such as:

(1) Use of equipment, facilities, or personnel that fail to meet safety standards required by the proper Government agency or DOD.

(2) Failure to pay just debts so as to subject Government passengers to delay and shipments to possible frustration, seizure, or detention.

(3) Failure to maintain required insurance coverage and/or to provide required administrative documents.

(4) Expiration of or failure to timely acquire carrier exemption, permits, or authorities from federal, state or local authorities.

(5) Failure to promptly settle claims.

(6) Insufficient financial responsibility.

(7) Violations of Federal Statutes/Executive Orders such as Interstate Commerce Act, Shipping Act, Federal Aviation Act, Elkins Act, Buy American Act, and Equal Employment Opportunity Executive Order 11246, as amended or anti-trust statutes.

(8) Failure to comply with DOT's regulations (including hazardous materials regulation) and regulations of the Interstate Commerce Commission, Federal Aviation Administration, Civil Aeronautics Board, State and local governments or other regulatory agencies or repeated failure to comply with any other DOD regulation which applies.

(9) An indictment or conviction for commission of a criminal offense as an incident to obtaining, or attempting to obtain, a public or private contract or subcontract, or performing such contract or subcontract.

(10) An indictment or conviction under the Organized Crime Control Act of 1970, a conviction of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which seriously and directly affects the responsibility of the carrier as a transporter of Government property.

(11) Inclusion in a list issued by the Comptroller General (as provided in part 5, section 56(b) of the regulation issued by the Secretary of Labor under the authority of Reorganization Plan 14 of 1950), and found by the Secretary of Labor to be an aggravated or willful violation of the prevailing wage or overtime pay provisions of the regulations or statutes which apply.

(12) A finding by the Director, Office of Federal Contract Compliance, Department of Labor, of noncomplying with the equal employment opportunity clause provisions.

(13) Any other cause or condition of a serious or compelling nature (e.g. debarment from contracting with the executive branch of the government under the provisions of Federal Acquisition Regulations (FARs)) affecting the present responsibility of a carrier of Government property or passengers.

6. Non-Use and Disqualification Procedures

a. *Disqualification.* On receipt of a recommendation by a cognizant transportation officer, area commander, port commander, or MTMC representative; or upon receipt of evidence from within MTMC, the area commander or director involved will review the facts and/or recommendation to determine if a review board should be convened to consider disqualifying the carrier or agent. If it is determined that a board should be convened he will, with the concurrence of the Staff Judge Advocate, notify the carrier within 5 working days of such determination. A carrier will not be disqualified without a board hearing including:

(1) Notice of proposed disqualification. The appropriate Director will, by certified mail with return receipt requested, forward to the carrier and, if appropriate, to the carrier's known affiliates, a copy of this regulation and a notice of proposed disqualification which will state:

(a) That disqualification is being considered.

(b) The date and time the review board will convene.

(c) The reason disqualification is being considered.

(d) That the carrier will have 10 calender days from the date the notice letter is received in which to respond by telephone or in writing to the proposed desqualification. The carrier may, however, within the 10-calendar-day period request MTMC officials concerned to grant additional time for presenting information. For good cause the notice may specify a lesser period in which to respond.

(e) The conditions of any previously imposed or pending non-use (paragraph b below).

(2) An opportunity to present information in writing, in person, or by telephone conference to the review board in response to the proposed disqualification. The carrier must notify the MTMC officials concerned of a desire to appear in person (or by a representative) or by telephone conference before the board convenes.

Note.—Carriers of agents may when necessary to protect the Governments' interest be placed in non-use not to exceed 30 days pending a disqualification determination.

b. *Non-Use.* On receipt of information as to existing conditions described in paragraph 5b(1) thru (13) a MTMC official may by written notice citing the reasons therefore and referring to this regulation place the carrier or agent in question in a "non-use" status until corrective action by the carrier or agent has been taken. A hearing before a board is not contemplated but may be granted if requested by the carrier. Such non-use without a board hearing may be imposed for up to 30 days for unsatisfactory performances. If 7 days prior to the end of the 30 day period the carrier or agent has not demonstrated to the satisfaction of the official placing the carrier or agent in a non-use status that the deficiencies causing the unsatisfactory performance have been corrected, the matter will be referred to

the area command or HQ MTMC for appropriate disqualification action.

7. Review Boards

a. The following boards are established within MTMC to consider, investigate, and determine carrier or agent disqualification, and are appointed by the Commander, MTMC, for this purpose:

(1) *HQ MTMC, Directorate of Passenger Traffic—Passenger Review Board* (All passenger traffic cases will be referred to HQ-PT for action.)

(a) Director and/or Deputy Director of Passenger Traffic. Chairman (Vote)

(b) Chief, Passenger Services Division or designee. (Vote)

(c) Chief, CONUS Passenger Division or designee. (Vote)

(d) Representative of the Staff Judge Advocate. (Advisory)

(e) Representative of Safety and Security, as applicable. (Advisory)

(2) *HQ MTMC, Directorate of Personal Property—Carrier Review Board* (All personal property cases will be referred to HQ-PP for action.)

(a) Director and/or Deputy Director of Personal Property. Chairman (Vote)

(b) Chief, Quality Assurance and Storage Division or designee. (Vote)

(c) Chief, Operations Analysis Division or designee. (Vote)

(d) Representative of the Staff Judge Advocate. (Advisory)

(e) Representative of Safety and Security, as applicable. (Advisory)

(3) *HQ MTMC, Directorate of Inland Trafffic—General Freight Board.*

(a) Director and/or Deputy Director of Inland Traffic. Chairman (Vote)

(b) Chief, Freight Traffic Division or designee. (Vote)

(c) Chief, Freight Services Branch or designee. (Vote)

(d) Chief, Negotiations Division or designee. (Vote)

(e) Representative of the Staff Judge Advocate. (Advisory)

(f) Representative of Safety and Security, as applicable. (Advisory)

(4) *Area Command Freight Boards.*

(a) Director and/or Deputy Director of Inland Traffic (Chairman) (Vote)

(b) Chief, Freight Traffic Division, Inland Traffic (Vote)

(c) Chief, Traffic Services Division, Inland Traffic (Vote)

(d) Representative of the Office of the Staff Judge Advocate (Advisory)

(e) Representative from the Office of Safety and Security (Advisory)

b. *Additional Members.* Other members (such as a small business representative from acquisition) may be added to the board as advisors as deemed necessary by the Chairman.

c. *Board Meetings and Records.* The board will meet at the call of, and at a place designated by, the Chairman. The secretary/recorder of the board will be provided by the Chairman and will be responsible for recording the minutes of board meetings and hearings and keeping necessary records. Records may be summarized (non-verbatim) and should be maintained in an 8½ x 11 loose leaf binder in chronological order with an alphabetical case index in front. These case summaries will be maintained for a period of three years by each activity holding boards and will be available to the public as required by AR 340-17 (Freedom of Information Act). Cases which are determined by the Staff Judge Advocate to establish a significant precedent will be permanently retained.

d. *Board Determination.* (1) If the carrier presents data within the prescribed 10-calendar-day period (or approved extension), the determination of whether to disqualify the carrier will be made at the conclusion of the board proceedings unless the evidence presented requires further investigation, in which case the carrier or agent will be informed of when to expect a decision.

(2) If, within the 10-calendar-day period specified in the initial notice of proposed disqualification or any extension, the carrier neither disputes the information nor requests additional time to present new information, the determination whether to disqualify the carrier will be made on the next working day after the last day of the 10-calendar-day period including any extension thereof.

(3) The Chairman of the board will ensure that the following factors, as applicable, have been fully considered prior to a determination by the board:

(a) Existing investigative reports (e.g. police, safety, DIS, or CID). Discrepancies involving classified shipments will be investigated through the Office of Safety and Security in coordination with the cognizant Director, Defense Contract Administration Service Region.

(b) Carrier's written explanation.

(c) Carrier's past performance.

(d) Special services provided by the carrier which may be unavailable elsewhere.

(e) Corrective action taken by the carrier to preclude recurring similar incidents.

(f) Carrier's responsiveness to the command investigation.

The Chairman will make a reasonable effort to resolve any discrepancies between the shipper's account of the incident and that furnished by the carrier which may include soliciting sworn witness statements.

(4) Once carrier responsibility for the following discrepancies has been determined, the board will assess, as a minimum, the disqualification set forth in figure 1:

(a) Failure to provide required security services.

(b) Shipment loss or damage

(c) All other

(5) The board, when recommending carrier disqualification, will determine the time frame involved on a case-by-case basis (area commands not to exceed 180 calendar days). Carrier disqualification status shall expire on the final day thereof, or on reinstatement.

(6) At the time the board determines a period of disqualification they may suspend for a stated period of time the execution of all or any part of the period of disqualification. The period of suspension should not be unreasonably long and should not extend beyond the period of disqualification. The purpose of suspending the execution of the period of disqualification is to give the carrier or agent a probationary period within which to demonstrate that the carrier is fit, willing, and able to carry DOD traffic. Additional instances of failure to perform or unsatisfactory performance provide the basis for vacating the suspension of the disqualification without further hearing. Upon vacation the entire period of a suspended disqualification will become effective. Such incidents also give rise to a new basis for additional board proceedings which could lead to additional disqualification. A period of disqualification unless sooner vacated, will automatically expire at 2400 hours on the last day of the stated period of time for the period of suspension.

(7) Upon making a determination, the area command board will immediately notify the area commander who will in turn notify the Vice Commander at HQ MTMC. HQ MTMC boards will upon making a determination notify the Vice Commander who will in turn notify the Commander. The Vice Commander will also notify the Commander of area command board determinations. The area command will, when requested, forward all documentation used in reviewing a controversial case to the appropriate Director at HQ MTMC.

(8) Under the following conditions, the area commands will forward all information and/or recommendations pertaining to a carrier's service to the Commander, MTMC, prior to initiating any corrective action:

(a) When it appears that a disqualification period exceeding 180 days is warranted.

(b) When it appears that nationwide disqualification of the carrier may be in order.

(c) When a carrier is recommended for disqualification for the third time at a specific origin shipping activity (except as noted in figure 1).

(d) Other instances as deemed necessary by the cognizant area commander.

8. Carrier Notification of Disqualification Determination

MTMC will notify the carrier or agent by certified mail with return receipt requested, whether or not disqualification will apply. The notice will specify the reasons for as well as the period of disqualification.

Period of Disqualification

A period of disqualification will begin on the date specified by the board and will end automatically at 2400 hours on the last day of the period unless the carrier is sooner reinstated or the disqualification was suspended and then vacated in which case it will end at 2400 hours on the last day of a period beginning on the day the suspension is vacated and continuing for the original number of days of the period of disqualification.

10. Appeal of Determination

a. A carrier or agent placed in a disqualification status will be afforded an opportunity to appeal this action to the appropriate area commander or the Vice Commander, Military Traffic Management Command, Nassif Building, Room 701,,5611 Columbia Pike, Falls Church, Virginia 22041–5050, within 15 days after notification. A carrier may only appeal to the authority designated as the appellate authority in his case. The disqualification status will become effective when specified by the board and will not be stayed pending appeal unless for good cause shown as determined by the board. An appeal, if any, must be filed within 15 working days after the effective date of the notification of disqualification. A carrier may, within the 15 day period, request additional time to appeal. If the carrier appeals a disqualification which has been stayed and it is denied, the effective date of disqualification will be the day of the appeal denial.

b. The appeal will fully document the reasons for requesting relief which may include, but are not limited to, the submission of new material, the reversal of a conviction, or a bona fide change of management. The disqualification period may be terminated or reduced on presentation of proper evidence that the causes and conditions have been eliminated or corrected.

Discrepancy	Number of discrepancies (per origin activity)	Minimum disqualification period	Remarks
1. Failure to provide: AGS, CSS, DDPS, RSS, PSS.			
	1st	30 days	Area command.
	2nd	60 days	Do.
	3rd	90 days	Do.
	4th	180 days	Do.
2. Shipment loss or damage:			
a. Loss or damage under $500.00	1st	Letter of Warning	Area command (except PP shipments).
	2nd	do	Do.
	3rd	30 days	Do.
	4th	60 days	Do.
	5th	90 days	Do.
b. Loss or Damage over $500.00	1st	15 days	Do.
	2nd	30 days	Do.
	3rd	60 days	Do.
	4th	90 days	Do.
3. Failure to meet prescribed dates; departure/arrival time (pax); repeated refusal to accept freight; exceeding time in transit delivery dates; mishandling freight; improper routing; other improper acts			
	1st	Letter of warning	Area Command (except PP & PT cases).
	2nd	30 days	Do.
	3rd	60 days	Do.
	4th	90 days	Do.
	5th	180 days	Do.

Figure 1. Disqualification Table *

* Note.—1. Disqualification periods for RDD Improvement programs are governed by instructions published by in and PP directorates.

2. Cases involving alcohol or drug abuse should be referred for action to HQ MTMC.

c. Upon receipt of any written appeal, the appropriate area commander or the Vice Commander will determine whether the appeal should be granted or denied. Such determination shall be considered administratively final. The carrier will be notified of this decision by certified mail return receipt requested.

11. Notice to DTS Users

The appropriate Director will notify users of the Defense Transportation System of the final determination resulting in non-use or disqualification.

12. Commander's Authority

The foregoing actions by the boards are administrative procedures in support of the discretionary authority of Commander, MTMC, who is not bound by the findings or recommendations of an investigation or board. He may consider any relevant information in making a decision, even though that information was not considered at the investigation or board or on appeal. If additional information is to be considered, however, any carrier who may be affected adversely by that information will be so advised in writing; he will be given an opportunity to reply in writing and to submit relevant material; and his reply will be considered along with the additional information. The provision for carrier rebuttal and appeals does not constitute a requirement for the conduct of a hearing as defined in paragraph 3.

[FR Doc. 84-28851 Filed 11-1-84; 8:45 am]
BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Privacy Act of 1974; Amendment of System Notices and New Routine Use Statement

AGENCY: Department of Energy.

ACTION: Proposed change to Routine Use of Two Existing Systems of Records (DOE–33 and DOE–35) subject to the Privacy Act (Pub. L. 93–579, 5 U.S.C. 552a).

SUMMARY: Federal agencies are required by the Privacy Act of 1974, Pub. L. 93–579 (5 U.S.C. 552a), to publish a notice in the Federal Register of a change to an existing routine use of a system of records. The Department of Energy (DOE) proposes to change a routine use of DOE–33 "Personnel Medical Records" and DOE–35 "Personnel Radiation Exposure Records" to permit the disclosure of records maintained in these systems to the National Institute of Occupational Safety and Health (NIOSH), U.S. Department of Health and Human Services, for health and safety studies. Public comment is sought on the proposed routine use of DOE–33 and DOE–35, as required by subsection (e)(11) of the Privacy Act of 1974.

DATE: Written comments must be received on or before December 3, 1984.

ADDRESSES: For further information contact:

David E. Patterson, PE–24, Office of Operational Safety, U.S. Department of Energy, Germantown Facility, Washington, DC 20545, (301) 353–3157

Abel Lopez, GC–41, Office of General Counsel, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 252–8618

Carole J. Gorry, MA–232.1, Acting Chief, FOI and Privacy Acts Activities, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 252–5955.

SUPPLEMENTARY INFORMATION: As presently written, NIOSH may have access to records maintained in DOE–33 and DOE–35 for the purpose of conducting an epidemological study of workers at DOE's Portsmouth Gaseous Diffusion Plant at Piketon, Ohio. The proposed routine use will permit disclosure to NIOSH of records maintained in these systems of records for the purpose of performing health hazards and epidemological studies of workers at any DOE facility.

The Privacy Act requires that routine use disclosures of records be "compatible with the purpose for which the record was collected." It has been determined that the proposed change to the routine use will be compatible as the records are maintained for purposes of assessing and enhancing employee occupational safety and health. Disclosure of these records to NIOSH will enable it to conduct studies of potential health and safety hazards to employees at DOE facilities.

A report to the Office of Management and Budget is not required since the change is compatible with the purpose for which the system is maintained and does not create a new purpose.

The DOE published in the Federal Register on January 26, 1984 at 49 FR 3241 a proposal to revise DOE–33 and DOE–35 and to permit the disclosure of these records to a recognized or certified collective bargaining agents of DOE and contractor employees as a routine use. The Department received comments which are currently under review. The final notice of the revised system of records will be published in accordance with the provisions of the Privacy Act upon the completion of the DOE's review.

Issued in Washington, DC, this 30th day of October 1984.

William S. Heffelfinger,

Director of Administration.

DOE–33

SYSTEM NAME:

Personnel Medical Records.

SYSTEM CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

The locations listed as items 1 through 21 in Appendix A of 47 FR 14284, dated April 2, 1982, and the following additional locations:

U.S. Department of Energy, Bendix Corporation, P.O. Box 1159, Kansas City, MO 64141.

U.S. Department of Energy, Bettis Atomic Power Laboratory, P.O. Box 79, Pittsburgh, PA 15122.

U.S. Department of Energy, Carbondale Mining Research Center, P.O. Box 2587, Carbondale, IL 62901.

U.S. Department of Energy, Dayton Area Office, Mound Laboratory, P.O. Box 66, Miamisburg, OH 45342.

U.S. Department of Energy, Kansas City Area Office, P.O. Box 202, Kansas City, MO 64141.

U.S. Department of Energy; Knolls Atomic Power Laboratory, P.O. Box 1072, Schenectady, NY 12301.

U.S. Department of Energy, Los Alamos Area Office, 528 35th Street, Los Alamos, NM 87544.

U.S. Department of Energy, Naval Petroleum Reserve, P.O. Box 11, Tupman, CA 93276.

U.S. Department of Energy, Naval Reactors Facility, P.O. Box 2068, Idaho Falls, ID 63411.

U.S. Department of Energy, Strategic Petroleum Reserve, 900 Commerce Road East, New Orleans, LA 70123.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former DOE and DOE contractor personnel. This system includes individuals admitted to or treated at Kadlec Hospital, Richland, Washington, prior to September 9, 1956.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical histories on employees resulting from medical examinations and radiation exposure. In cases of injury, description of injury occurrence and treatment. In addition, medical records of periodic physical examinations, psychological testing, blood donor program records, audiometric testing, routine first aid, and other visits. Also, hospital in-patient records and emergency room out-patient records for private patients at Kadlec Hospital.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act, 5 U.S.C. 7901, Executive Order 12009.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record from this system of records may be disclosed to physicians, U.S. Department of Labor, various State departments of labor and industries, and DOE contractors (a) to ascertain suitability of an employee for job assignments with regard to health, (b) to provide benefits under Federal programs or contracts, and (c) to maintain a record of occupational injuries or illnesses in the performance of regular diagnostic and treatment services to patients.

A record from this system of records may be disclosed to NIOSH officials for the purpose of conducting a health hazard evaluation and/or an epidemiologic study of workers at any DOE facility.

Additional routine uses listed in Appendix B of 47 FR 14284, dated April 2, 1982.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer printouts, magnetic tapes, paper, computer disc, and microfilm.

RETRIEVABILITY:

By name, social sucurity number, and plant area.

SAFEGUARDS:

Active records are maintained in locked file cabinets in locked buildings. Inactive records are maintained in locked storage vaults.

RETENTION AND DISPOSAL:

Records retention and disposal authorities are contained in DOE 1324.2, "Records Disposition." Records within the DOE are rendered illegible and destroyed by maceration, shredding, or burning, as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Headquarters, U.S. Department of Energy, Deputy Assistant Secretary for Environment, Safety, and Health, PE-20, Washington, DC 20585.

Field Offices:

The managers and directors of field locations identified as items 2 through 21 in Appendix A of 47 FR 14284, dated April 2, 1982, are the system managers for their respective portions of the system.

NOTIFICATION PROCEDURES:

a. Requests by an individual to determine if a system of records contains information about him/her should be directed to the Acting Chief Freedom of Information and Privacy Acts Activities Branch, Department of Energy (Headquarters), or the Privacy Act Officer at the appropriate address identified as items 2 through 21 in Appendix A of 47 FR 14284, dated April 2, 1982, in accordance with DOE's Privacy Act regulations (10 CFR Part 1008 (45 FR 61576, September 16, 1980)).

b. Required identifying information: Applicable location or locations where individual is or was employed, full name of requester, social security number, employer(s), and time period.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures above.

CONTESTING RECORD PROCEDURES:

Same as Notification Procedures above.

RECORD SOURCE CATEGORIES:

The individual who is the subject of the record, physicians, medical institutions, Office of Workers Compensation Programs, military retired pay systems records, Federal civilian retirement systems records, pay and leave systems records, Office of Personnel Management (OPM) retirement life insurance and health benefits system records, and the OPM personnel management system records.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOE-35

SYSTEM NAME:

Personnel Exposure Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

The location listed as items 1, 3, 4, 6 through 18 in Appendix A of 47 FR 14284, dated April 2, 1982, and the following additional locations:

U.S. Department of Energy, Amarillo Area Office, Pantex Plant, P.O. Box 1086, Amarillo, TX 79105.

U.S. Department of Energy, Brookhaven Area Office, Upton, NY 11973.

U.S. Department of Energy, Dayton Area Office, Mound Laboratory, P.O. Box 66, Miamisburg, OH 45342.

U.S. Department of Energy, Environmental Measurements Laboratory, 376 Hudson Street, New York, NY 10014.

U.S. Department of Energy, Idaho Health Services Laboratory, CF-690, INEL and Computer Science Center, Idaho Falls, ID 83401.

U.S. Department of Energy, Kansas City Area Office, P.O. Box 202, Kansas City, MO 74141.

U.S. Department of Energy, Knolls Atomic Power Laboratory, P.O. Box 1072, Schenectady, NY 12301.

U.S. Department of Energy, Los Alamos Area Office, 528 35th Street, Los Alamos, NM 87544.

U.S. Department of Energy, Naval Reactors Representative Office, Building 195, Charleston Naval Shipyard, Charleston, SC 29408.

U.S. Department of Energy, Naval Reactors Representative Office, P.O. Box 21, Groton, CT 06340.

U.S. Department of Energy, Naval Reactors Representative Office, Mare Island Naval Shipyard, P.O. Box 2053, Mare Island, CA 94592.

U.S. Department of Energy, Naval Reactors Representative Office, Newport News Shipbuilding and Dry Dock Company, P.O. Box 973, Newport News, VA 23607

U.S. Department of Energy, Naval Reactors Representative Office, Norfolk Naval Shipyard, P.O. Box 848, Portsmouth, VA 23705.

U.S. Department of Energy, Naval Reactors Representative Office, P.O. Box 1687; Pascagoula, MS 39567

U.S. Department of Energy, Naval Reactors Representative Office, Pearl Harbor Naval Shipyard, P.O. Box 128, FPO San Francisco, CA 96610.

U.S. Department of Energy, Naval Reactors Representative Office, Portsmouth Naval Shipyard, Building 178, P.O. Box 2008, Portsmouth, NH 03801.

U.S. Department of Energy, Naval Reactors Representative Office, Puget Sound Naval Shipyard, P.O. Box 1A, Bremerton, WA 98314.

U.S. Department of Energy, New Brunswick Laboratory, D-350, 9800 South Cass Avenue, Argonne, IL 60439

U.S. Department of Energy, Pinellas Area Office, P.O. Box 11500, St. Petersburg, FL 33733.

U.S. Department of Energy, Puerto Rico Office, P.O. Box BB, San Juan, PR 00935.

U.S. Department of Energy, Rocky Flats Area Office, P.O. Box 928, Golden, CO 80401.

U.S. Department of Energy, Sandia Area Office, P.O. Box 5800, Albuquerque, NM 87115.

U.S. Department of Energy, Shippingport Branch Office, P.O. Box 11, Shippingport, PA 15077

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOE and contractor personnel, and any other persons having access to certain DOE facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

DOE and contractor personnel and other Individuals' radiation exposure records and other records in connection with registeries of uranium, transuranics, or other elements encountered in the nuclear industry. Results of monitoring individuals for exposure to chemical agents and physical stress and related data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; 5 U.S.C. 7901, and Executive Order 12009.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record from this system of records may be disclosed to the U.S. Department of Navy to monitor radiation exposure of Navy and other personnel at Navy facilities.

A record from this system of records may be disclosed to DOE contractors, other contractors and organizations, and

Federal and State agencies to monitor radiation exposure of DOE and DOE contractor personnel.

A record from this system of records may be disclosed to the Department of Defense (DOD) for the limited purpose of identifying DOD and DOD contractor personnel exposed to ionizing radiation during nuclear testing and for conducting epidemiological studies of radiation effects on individuals so identified.

A record from this system of records may be dislosed to the National Academy of Sciences and Center for Disease Control (and appropriate management personnel of the Department of Health and Human Services) for the purpose of conducting epidemiological studies of the effects of radiation on individuals exposed to ionizing radiation.

A record from this system of records may be disclosed to officials of the National Institute of Occupational Safety and Health for the purpose of conducting a health evaluation and/or an epidemiological study of workers at any DOE facility.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer printouts, paper records, index cards, magnetic tapes, punched cards, microfilm, and disc.

RETRIEVABILITY:

By name, alphanumeric code, and social security number.

SAFEGUARDS:

Active records are maintained in locked file cabinets, locked safes, guarded areas, and secured buildings, with access restricted to a need-to-know basis.

RETENTION AND DISPOSAL:

Records retention and disposal authorities are contained in DOE 1324.2, "Records Disposition." Records within the DOE are rendered illegible and destroyed by maceration, Shredding, or burning, as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Headquarters, U.S. Department of Energy, Deputy Assistant Secretary for Environment, Safety, and Health, PE-20, Washington, DC 20585.

Field Offices:

The managers and directors of field locations 3, 4, and 6 through Appendix A, of 47 FR 14284, dated April 2, 1982, and the additional locations listed above under system location are the systems managers of their respective portions of the system.

NOTIFICATION PROCEDURES:

a. Requests by an individual to determine if a system of records contains information about him/her should be directed to the Acting Chief Freedom of Information and Privacy Acts Activities Branch, Department of Energy (Headquarters), or the Privacy Act Officer at the appropriate address identified as items 2 through 21 in Appendix A of 47 FR 14284, dated April 2, 1982, in accordance with DOE's Privacy act regulations (10 CFR Part 1008 (45 FR 61576, September 16, 1980)).

b. Required identifying information: Complete name, and geographic location(s) and organization(s) where requester believes such records may be located, date of birth, and time period.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures above.

CONTESTING RECORD PROCEDURES:

Same as Notification Procedures above.

RECORD SOURCE CATEGORIES:

The subject individual, accident-incident investigations, film badges, dosimetry records, and previous employee records.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 84-28312 Filed 11-1-84; 8:45 am]
BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 84-17-NG]

Natural Gas Imports; Southwest Gas Corp., Application To Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Application for Authorization to Import Natural Gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) gives notice of receipt on October 18, 1984, of the application from Southwest Gas Corporation (Southwest) to import on a "reasonable efforts" interruptible basis, two volume segments of Canadian natural gas for a term of two years from November 1, 1984, through October 31, 1986. The first or base volume segment provides for the purchase and importation of up to 5 MMcf per day (up to a total of 2 Bcf over the 24-month period) of Canadian natural gas at a price of $3.10 (U.S.) per MMBtu, subject to quarterly adjustment. The second volume segment provides for the purchase of up to 10 MMcf per day (up to a total of 4 Bcf during the same 24-month period) of Canadian natural gas at a price of $3.10 (U.S.) per MMBtu, also subject to quarterly adjustment. The imported volumes, from reserves in British Columbia, the Yukon Territory, and Alberta which are owned or controlled by Dome Petroleum Limited (Dome), will be purchased by Southwest from Dome. British Columbia and Yukon gas will be transported from the field gate to the export point by Westcoast Transmission Company (Westcoast), and from the export point to Southwest's interconnect by Northwest Pipeline Corporation (Northwest). The Alberta gas will be transported in Canada by NOVA, an Alberta Corporation (NOVA), and the Alberta Natural Gas Company Limited, and in the United States by Pacific Gas Transmission Company (PGT) and Northwest. Southwest requests that the authorization be made effective November 1, 1984, or as soon as possible thereafter.

The application is filed with the ERA pursuant to Section 3 of the Natural Gas Act and DOE Delegation Order No. 0204-111. Protests, motions to intervene or notices of intervention, and written comments are invited.

DATE: Protests, motions to intervene or notices of intervention, as applicable, and written comments are to be filed no later than 4:30 p.m. on November 23, 1984.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Jr., Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-033, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-8162

Diane Stubbs, Office of General Counsel, Natural Gas and Mineral Leasing, U.S. Department of Energy, Forrestal Building, Room 6E-042, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-6667

SUPPLEMENTARY INFORMATION:

Southwest is a public utility engaged in the interstate transmission, distribution and sale of natural gas in certain areas of the states of California, Arizona and Nevada. It distributes natural gas at retail to residential, commercial and industrial consumers in northern Nevada and the Lake Tahoe area of California, in southern Nevada, in

southern California, and in central and southern Arizona. Southwest also sells gas wholesale for resale distribution in several areas in Nevada and in California.

The applicant requests authorization to import up to 6 Bcf of natural gas from Canada for a two-year term to supply customers along its northern Nevada system, which extends from the Idaho-Nevada border to the California-Nevada border in the Lake Tahoe area. The imported gas will be sold to commercial and industrial customers who have dual-fuel capability. Southwest states that its proposed import arrangement will enable it to regain or retain loads which are currently being served by, or are imminently expected to switch to, residual fuel oil. According to the application, Southwest purchases nearly all of its present gas supply for its northern Nevada system from Northwest.

In a contract executed on October 11, 1984, Dome agreed to supply Southwest a daily base volume segment of up to 5 MMcf of gas on an interruptible, reasonable-efforts basis up to a maximum annual volume of 1 Bcf for an initial two-year term commencing November 1, 1984, and terminating October 31, 1986. In a second contract of the same date, Dome agreed to supply Southwest an additional daily volume segment of up to 10 MMcf of gas on an interruptible, reasonable-efforts basis up to a maximum annual volume of 2 Bcf for a concurrent two-year term. The price of the gas in each volume segment is $3.10 (U.S.) per MMBtu, subject to adjustment on a quarterly basis to reflect market prices of competing energy sources in Southwest's service area. Southwest states that its agreements with Dome entitle it to purchase up to the maximum annual volumes with no minimum purchase obligation or take-or-pay requirement.

According to the application, the gas will come from proven reserves owned or controlled by Dome in the provinces of British Columbia, Alberta, and the Yukon Territory. It is proposed that the British Columbia and Yukon gas will be transported through existing pipeline facilities to the Sumas, Washington, border import point and then will be transported through Northwest's existing pipeline facilities to a point of interconnection with applicant's northern Nevada system at the Idaho-Nevada border. The Alberta gas is proposed to be transported through existing pipeline facilities to the Kingsgate, British Columbia, export point, and from there through existing pipeline facilities of PGT and Northwest, again to the point of interconnection with Southwest's northern Nevada system at the Idaho-Nevada border. The applicant asserts that the transportation of the proposed import would require no construction of new facilities.

Southwest states that it intends to resell the base volume segment of the proposed import to small commercial and industrial customers whose energy requirements are presently being met by fuel oil or who are expected imminently to switch to fuel oil unless a lower-priced gas supply, such as Southwest has now negotiated for with Dome, becomes available. The additional volume segment is intended for resale to several large commercial and industrial customers with dual-fuel capability. Southwest considers the second segment a substitute supply in the event Northwest does not extend its own Canadian incentive gas program beyond the October 31, 1984, termination date of its Federal Energy Regulatory Commission (FERC) certificate, or subsequently offer an equivalent program price. Southwest asserts that the low-priced Canadian gas proposed to be imported under this arrangement will allow it to compete with alternative fuels in its service area for those consumers with dual-fuel capability, and thereby regain or retain loads which otherwise would burn residual fuel oil.

The applicant states that its proposal is not inconsistent with the public interest and will benefit all its customers by spreading the fixed cost burden of the system over anticipated increased revenues from incremental sales of the imported gas to its customers along its northern Nevada system. Southwest believes that its proposed import arrangement is designed to serve its specifically targeted markets at a flexible, competitive price and is in full accord with the Secretary of Energy's natural gas import guidelines issued February 17, 1984 (49 FR 6684, February 22, 1984).

The decision on this application will be made consistent with the Secretary of Energy's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest. The applicant has asserted that this import arrangement is competitive. Parties that may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. Parties opposing the arrangement bears the burden of overcoming this assertion.

Other Information

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received by persons who are not parties will be considered in determining the appropriate procedural action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. They should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA-033-B, RG-43, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585. They must be filed no later than 4:30 p.m., November 23, 1984. A 20-day comment period has been provided to allow sufficient time to evaluate the application and any responses to this notice and to meet applicant's request for an authorization effective November 1, 1984, or as soon thereafter as possible.

A decisional record on the application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or a trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Southwest's application is available for inspection and copying in the Natural Gas Division Docket Room, GA-033-B, at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on October 29, 1984.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 84-28950 Filed 11-1-84; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Agency Forms Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of submission of request for clearance to the Office of Management and Budget.

SUMMARY: Under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), in the past, Department of Energy (DOE) notices of proposed collections under review have been published in the Federal Register on the Thursday of the week following their submission to the Office of Management and Budget (OMB). In the future, publication of these notices will not be limited to a specific day of the week. In this way, notice to the public and the internal administrative review of these documents will be facilitated.

Following this notice is a list of DOE proposals sent to OMB for approval. The listing does not contain information collection requirements contained in regulations which are to be submitted under 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by DOE.

Each entry contains the following information and is listed by the DOE sponsoring office: (1) The form number; (2) Form title; (3) Type of request, e.g., new, revision, or extension; (4) Frequency of collection; (5) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (6) Type of respondent; (7) An estimate of the number of respondents; (8) Annual respondent burden, i.e., an estimate of the total number of hours needed to fill out the form; and (9) A brief abstract describing the proposed collection.

DATE: Last Notice published Friday, September 28, 1984, (49 FR 38349).

FOR FURTHER INFORMATION CONTACT:

John Gross, Director, Forms Clearance and Burden Control Division, Energy Information Administration, M.S. 1H-023, Forrestal Building, 1000 Independence Ave., SW., Washington, DC 20585, (202) 252-2308

Vartkes Broussalian, Department of Energy Desk Officer, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395-7313

SUPPLEMENTARY INFORMATION: Copies of proposed collections and supporting documents may be obtained from Mr. Gross. Comments and questions about the items on this list should be directed to the OMB reviewer for the appropriate agency as shown above.

If you anticipate commenting on a form, but find that time to prepare these comments will prevent you from submitting comments promptly, you should advise the OMB reviewer of your intent as early as possible.

Issued in Washington, D.C., October 29, 1984.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

DOE FORMS UNDER REVIEW BY OMB

Form No.	Form title	Type of request	Response frequency	Response obligation	Respondent description	Estimated number of respondents	Annual respondent burden	Abstract
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
EIA:								
EIA-28	Financial Reporting System.	Revision	Annual	Mandatory	25 major integrated petroleum companies.	25	43,000	Form EIA-28 provides data used to evaluate the competitive environment within which energy products are supplied and developed. Data are also used to analyze energy resource development, supply and distribution. Data are published annually.
EIA-101	Monthly Electric Bill Data.	Extension—No change.	Monthly	Mandatory	Selected electric utilities.	153	948	EIA-101 collects electricity prices and demand data for the residential, commercial and industrial sectors in selected U.S. cities. Data are used by the Bureau of Labor Statistics in calculation of the consumer and producer price indices and by EIA in various publications.
FERC:								
FERC-121	Application for Determination of Maximum Lawful Price under the Natural Gas Policy Act (NGPA).	Extension—No change.	On occasion	Mandatory	First sellers of natural gas subject to NGPA.	6,769	11,875	Information is required in order for a jurisdictional agency to determine maximum lawful price of natural gas under NGPA.
RW:								
RW-859	Nuclear Fuel Data Form.	New	Annual	Mandatory	Owners of nuclear power plants operating and under construction.	125	20,000	RW-859 collects data on spent nuclear fuel inventories, histories, characteristics, movement, handling and storage capabilities. Data are used to develop and implement the Office of Civilian Radioactive Waste Management nuclear waste repository, interim storage and monitored retrievable storage programs.

[FR Doc. 84-28913 Filed 11-1-84; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER85-58-000]

Alabama Power Co., Filing

October 29, 1984.

The filing Company submits the following:

Take notice that on October 22, 1984, Alabama Power Company (Alabama) tendered for filing a Transmission Service Delivery Point Agreement specifying an additional delivery point to be covered by the Agreement between Alabama and Alabama Electric Cooperative, Inc., for Transmission Service to Distribution Cooperative Members of AEC which was dated August 28, 1980 (Agreement). This Agreement has been designated Rate Schedule FERC No. 147 by the FERC. The purpose of this agreement is to provide for the commencing of initial transmission service at a new location under the Agreement. Service was not previously supplied to the new delivery point and, therefore, it was not included under the Agreement when it was initially filed with the Federal Energy Regulatory Commission on August 28, 1980. Service will commence under the Agreement for Central Alabama Electric Cooperative's Burkville Delivery Point on November 1, 1984.

Copies of this filing were served upon Alabama Electric Cooperative, Inc.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 14, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-28961 Filed 11-1-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-55-000]

Cambridge Electric Light Co., Filing

October 29, 1984.

The filing Company submits the following:

Take notice that on October 19, 1984, Cambridge Electric Light Company (Cambridge) tendered for filing a Notice of Termination for its currently effective Rate Schedule FERC No. 13. Said Rate Schedule consists of a partial requirements agreement dated May 1, 1981, by and between Commonwealth Electric Company and Massachusetts Municipal Wholesale Electric Company.

Rate Schedule FERC No. 13 was originally accepted for filing in Federal Energy Regulatory Commission Docket No. ER81-704-000 and terminated by its own provisions on October 31, 1981.

Cambridge requests an effective date of October 31, 1981, and therefore requests waiver of the Commission's notice requirements.

A copy of this filing has been mailed to Massachusetts Municipal Wholesale Electric Company.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 14, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-28962 Filed 11-1-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-595-001]

Colorado Interstate Gas Co., Amendment

October 30, 1984.

Take notice that on October 5, 1984, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP84-595-001, pursuant to section 7 of the Natural Gas Act, an amendment to its pending application in Docket No. CP84-595-000 for a certificate of public convenience and necessity to reflect a change in its proposal, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

By the instant amendment CIG proposes to provide an additional redelivery point under the Gas Transportation Agreement (Agreement) between CIG and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), dated January 12, 1984. CIG states that pursuant to an amendment to the Agreement dated August 10, 1984, CIG would transfer natural gas to Northwest Pipeline Corporation for Tennessee's account at an existing point on its main transmission line in Section 12, Township 19 North, Range 98 West, Sweetwater County, Wyoming. All other aspects of CIG's application remain unchanged.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before November 19, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rule of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-28963 Filed 11-1-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-751-000]

Columbia Gulf Transmission Co., Application

October 30, 1984.

Take notice that on September 27, 1984, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP84-751-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon from interstate service certain of its minor lateral lines constructed to take gas for the account of its affiliate, Columbia Gas Transmission Corporation (Columbia Transmission)

located in Cameron Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon approximately 7.1 miles of 6-inch pipeline and 1.0 mile of 4-inch pipeline, one measuring station and appurtenant facilities located in the Humble-Calcasieu Pass Field which connects to Applicant's 12-inch West lateral in Cameron Parish, Louisiana, at an estimated cost of removal of $102,000.

Applicant states that the wells, located in Cameron Parish, which are connected to these facilities are no longer capable of producing and have been plugged. Applicant indicates that the producers have been requested to file applications for permission and approval to abandon service in the Calcasieu Pass Field. The gas purchase contracts, dated July 20, 1959, relating to these gas sales were for a period of 20 years and have expired by their own terms, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 19, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-28364 Filed 11-1-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER79-182-009, ER80-106-006, ER82-146-010, EL82-16-002, EL82-27-002 and ER83-437-000]

Commonwealth Edison Co.; Compliance Report

October 29, 1984.

The filing company submits the following:

Take notice that on October 22, 1984, Commonwealth Edison Company (Edison) filed a compliance report pursuant to the Commission's October 2, 1984 letter order in the above-referenced proceedings.

In compliance with the Commission's order, Edison submits copies of the following:

1. Summary tabulations, by docket, showing revenues under prior, filed and settlement rates; the revenue refunds; and the related interest;

2. Tabulations for each wholesale customer showing the monthly billing determinants; revenue receipt dates; revenues under prior, filed and settlement rates; the monthly revenue refunds; and the monthly interest;

3. Workpapers showing the data and methods used in the interest calculations;

4. Photocopies of the transmittal letters and refund checks sent to the five affected wholesale customers on October 5, 1984; and

5. A notarized statement that the enclosed tabulations are accurate.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before November 13, 1984. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-28965 Filed 11-1-84; 8:45 am]

BILLING CODE 6717-01-M

Docket No. CP84-300-003]

Consolidated Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

October 29, 1984.

Take notice that Consolidated Gas Transmission Corporation (Consolidated), on October 22, 1984, tendered for filing the following proposed tariff sheets to its FERC Gas Tariff Original Volume No. 3, to be effective November 15, 1984: First Revised Sheet Nos. 28, 38 and 49.

On October 10, 1984, Consolidated filed as part of its FERC Gas Tariff, Original Volume No. 3, six copies of First Revised Sheet Nos. 28, 29 and 30. On October 17, 1984, the Commission Staff informed Consolidated that the tariff sheets submitted in the October 10, 1984, filing contained pagination errors. Consolidated is making this filing to correct these errors.

These tariff sheets are being filed to cancel Consolidated's Rate Schedules F-3, F-4 and F-5 which contain agreements providing for field sales of natural gas by Consolidated to Pennzoil Company.

On March 13, 1984, Consolidated filed in Docket No. CP84-300-000 an application pursuant to section 7(b) of the Natural Gas Act for approval to consolidate these agreements and continue services provided thereunder pursuant to one new agreement dated October 31, 1983, between Consolidated and Pennzoil Exploration and Production Company (Pennzoil), Pennzoil Company's successor. By order issued July 19, 1984, Consolidated was granted such approval. In compliance with section 154.64 of the Commission's regulations, Consolidated is now filing notices of cancellation.

A copy of this filing has been served upon Columbia Gas Transmission Corporation. A copy of this filing is available for public inspection at Consolidated's office at 445 West Main Street, Clarksburg, West Virginia.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such petitions or protests should be filed on or before November 5, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party

must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-28966 Filed 11-1-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-508-000]

Equitable Gas Co., a Division of Equitable Resources, Inc., Tariff Filing

October 29, 1984.

Take notice that on October 24, 1984, Equitable Gas Company, a division of Equitable Resources, Inc. (Equitable) tendered the following tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1: Eleventh Revised Sheet No. 1 superseding Tenth Revised Sheet No. 1; Original Sheet No. 10-II; Original Sheet Nos. 36-42.

Equitable states that the tariff sheets are submitted in accordance with § 154.62 of the Federal Energy Regulatory Commission's (Commission) regulations, which tariff sheets relate to the filing of an initial Rate Schedule TS-1 for the transportation of natural gas.

Equitable requests that these tariff sheets become effective thirty (30) days from the date of filing, or November 23, 1984, in order that Equitable may provide transportation service under its blanket certificate authorization, which was issued in Docket No. CP83-508-000. Equitable would also utilize the subject rate schedule for other transportation services as may be authorized and provided when Equitable has capacity sufficient to perform said services without detriment or disadvantage to its other customers.

Equitable states that it has served copies of its filing upon the Pennsylvania Public Utility Commission and the West Virginia Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 5, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-28967 Filed 11-1-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-568-001]

Gulf States Utilities Co., Compliance Filing

October 29, 1984.

Take notice that on October 23, 1984, Gulf States Utilities Company (Gulf States) submitted for filing its compliance report pursuant to the Commission's Order of September 26, 1984.

As required by the Order, Gulf States states that it is providing details of the pollution control CWIP balances that are being factored into its rates. Gulf States is also filing revised rates to reflect that some amounts of pollution control CWIP that may be non-qualifying have been excluded in this compliance filing.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before November 15, 1984. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-28968 Filed 11-1-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-56-000]

Iowa-Illinois Gas and Electric Co., Filing

October 29, 1984.

The filing Company submits the following:

Take notice that on October 22, 1984, Iowa-Illinois Gas and Electric Company (Company) tendered for filing a proposed initial Rate Schedule Wholesale Electric Service—Municipal Partial Requirements (WES-MPR) for inclusion in Company's FPC Wholesale Electric Tariff, Original Volume No. 1, and a related service agreement with the City of Eldridge, Iowa (Eldridge), by its Electric and Water Utility Board.

The effective date proposed is the latest of the in-service condition of the Eldridge Delivery Point or acceptance for filing of Rate Schedule WES-MPR, for which waiver of the notice requirements has been requested.

Since Company has had no partial requirements rate, the filing of the proposed schedule is required to insure cost recovery when and to the extent Eldridge's load exceeds its owned generation, or capacity sources in lieu thereof.

Copies of the filing were served upon the City of Eldridge, Iowa and the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 14, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-28969 Filed 11-1-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-57-000]

Kansas Power and Light Co., Filing

October 29, 1984.

The filing Company submits the following:

Take notice that on October 22, 1984, Kansas Power and Light Company (KL&L) tendered for filing Amendment #9 to the General Participation Agreement of Mokan Power Pool members.

Amendment #9 clarifies the voting procedures of the Mokan Power Pool members.

KP&L states that the following are presently Participants under the General Participation Agreement with the following FPC Rate Schedule Numbers:

Kansas City Power & Light Company; Rate Schedule FPC No. 32.

Missouri Public Service Company; Rate Schedule FPC No. 8

The Empire District Electric Company; Rate Schedule FPC No. 73

Kansas Gas and Electric Company; Rate Schedule FPC No. 94

The Kansas Power & Light Company; Rate Schedule FPC No. 7

Centel Corporation—Western Power; Rate Schedule FPC No. 53
St. Joseph Power & Light Company; Rate Schedule FPC No. 17
Midwest Energy, Inc.
Sunflower Electric Cooperative, Inc.
Board of Public Utilities of the City of Kansas City, Kansas
City Power & Light Department of the City of Independence, Missouri.

KP&L requests an effective date of November 1, 1984.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 14, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-28970 Filed 11-1-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP85-36-000]

Lone Star Gas Company, a Division of ENSERCH Corp., Request Under Blanket Authorization

October 29, 1984.

Take notice that on October 15, 1984, Lone Star Gas Company, a Division of ENSERCH Corporation (Lone Star), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP85-36-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate sales taps and appurtenant facilities under the certificate issued in Docket Nos. CP83-59-000, CP83-59-001, and CP83-59-002 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Lone Star proposes to construct and operate sales taps and appurtenant facilities for the sale and delivery of natural gas to two residential customers in Tillman and Harmon Counties, Oklahoma. It is stated that Boyd English would receive service from Line A1 at Station 356 + 78 and that Bill Cummins would receive service from Line A26 at Station 1038 + 06. Lone Star states that it would sell approximately 440 Mcf per year to the two residential customers and that these sales would be made at Lone Star's residential rate, a rate approved by the Oklahoma Corporation Commission. It is explained that the volume of gas requested for the proposed customers would not have any significant impact on Lone Star's peak day or annual system operations.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-28971 Filed 11-1-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-66-008]

Mississippi River Transmission Corp.; Rate Change Filing

October 29, 1984.

Take notice that on October 25, 1984, Mississippi River Transmission Corporation ("Mississippi") tendered for filing Second Substitute Seventh Revised Sheet No. 4 to its FERC Gas Tariff, Second Revised Volume No. 1. Said tariff sheet is proposed to be effective as of October 1, 1984.

Mississippi states that Second Substitute Seventh Revised Sheet No. 4 is being submitted pursuant to Article X of its Stipulation and Agreement at Docket No. RP83-66. Such article provides for Mississippi to restate its Base Settlement Tariff Rates effective October 1, 1984 to reflect Mississippi's actual pipeline sales during the twelve month period ending September 30, 1984 in the event those sales exceed 147.0 BCF. Second Substitute Seventh Revised Sheet No. 4 reflects a reduction of $.0175/Mcf in the commodity component of Mississippi's Rate Schedule CD-1 rates and to the single part rate under Rate Schedules SGS-1 and PI-1. Mississippi states that the overall cost impact on its jurisdictional customers resulting from the base rate restatement is a reduction of approximately $2.4 million annually.

Also submitted for filing is Substitute Eighth Revised Sheet No. 4, carrying an effective date of October 5, 1984. Mississippi states that Eighth Revised Sheet No. 4, filed as part of its motion to make rates effective at Docket No. RP84-63, has been changed to Substitute Eighth Revised Sheet No. 4 to reflect only proper sheet pagination changes brought about by the instant rate restatement filing. Mississippi states that other than the revised sheet designation, Substitute Eighth Revised Sheet No. 4 reflects no change in the rates and charges from those contained in the motion filing.

Mississippi states that copies of its filing have been served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 5, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-28972 Filed 11-1-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP85-13-000 and TC85-4-000]

Montana-Dakota Utilities Co.; Application and Request for Waiver of Curtailment Plan Limitation

October 30, 1984.

Take notice that on October 5, 1984, Montana-Dakota Utilities Co. (MDU), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket Nos. CP85-13-000 and TC85-4-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and

operation of a new sales tap. MDU also requests a waiver of the 300 Mcf limitation on peak day gas deliveries to any new customer, which is prescribed in Article II, Section (B)(1) of the Amendment of Stipulation and Agreement in Settlement of Remaining Issues approved by the Commission's order issued February 19, 1982, in Docket No. RFP76-91. MDU's proposals are fully set forth in its application which is on file with the Commission and open to public inspection.

Specifically, MDU states that it proposes to add a new sales tap and install a metering facility at the end-user's plant and additionally to construct and operate 1.24 miles of 4-inch lateral line under its blanket authorization in order to serve the Ladish Malting Company (Ladish) with natural gas as a new industrial customer. MDU states that Ladish would be served under retail rate schedules on file with and approved by the North Dakota Public Service Commission. MDU states that the proposed facilities would be used to deliver up to 540,000 Mcf of natural gas annually and up to 3,200 Mcf on a peak day to Ladish, in Stutsman County, North Dakota, to provide fuel for its malting process. MDU also states that the estimated cost for the tap and related metering facility is $70,250 which would be financed by internally generated funds.

MDU states that it has ample gas supplies to serve the new customer and does not anticipate any curtailment in the foreseeable future.

Any person desiring to be heard or to make any protest with reference to said application and request should on or before November 19, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for MDU to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary

[FR Doc. 84-28973 Filed 11-1-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-756-000]

Mountain Fuel Resources, Inc.; Application

October 30, 1984.

Take notice that on September 28, 1984, Mountain Fuel Resources, Inc. (Applicant), 79 South State Street, Salt Lake City, Utah 84111, filed in Docket No. CP84-756-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of one tap and related facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate one four-inch tap and related metering facilities on its transmission Main Line No. 17 in Sublette County, Wyoming, to effect the delivery of natural gas to Mountain Fuel Supply Company (Mountain Fuel) under Rate Schedules CD-1 and X-33 of its FERC Gas Tariff for ultimate sale to Exxon Company, U.S.A. (Exxon). Applicant states that deliveries of natural gas to Mountain Fuel at the proposed tap would enable Mountain Fuel to make a distribution sale of up to 400 Mcf of gas per day to Exxon pursuant to Rate Schedule F-4 of its Public Service Commission of Wyoming Tariff No. 8. Applicant states it intends to sell a portion of Exxon's requirement to Mountain Fuel under FERC Rate Schedule No. CD-1. It is further stated Exxon would use the gas to provide space heating during construction of its Dry Piney gas conditioning plant located in Sublette County, Wyoming, for the period October 1, 1984, through approximately May 1986. Applicant states the estimated cost of the proposed facilities is $24,530 and that Applicant would be reimbursed by Mountain Fuel for all costs associated with the proposed facilities.

In addition, Applicant states that Exxon may require as much as 5,000 Mcf of gas per day beginning in mid-1986, increasing to 8,500 Mcf per day by 1990. It is asserted that these additional supplies of natural gas would be used to run direct-fired bath heaters, fuel-assisted flares, pigging equipment and tanks once the Dry Piney Plant is operational.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 19, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-28974 Filed 11-1-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-54-000]

New England Power Service Co., Filing

October 29, 1984.

The filing Company submits the following:

Take notice that on October 19, 1984, New England Power Service Company (NEP) tendered for filing three notices of termination relative to the following rate schedules:

Rate schedule No.	Other party	Term
168	Vermont Electric Power Co., Inc.	Oct. 1, 1967 to June 30, 1969.
204	Central Maine Power Co.	July 29, 1969 to June 30, 1971.
205	Consolidated Edison Co. of New York.	July 29, 1969 to Oct. 24, 1970.

NEP states that these rate schedules have terminated in accordance with their respective terms.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 14, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-28375 Filed 11-1-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-14-045]

Northern Natural Gas Co., Division of InterNorth, Inc.; Filing

October 29, 1984.

Take notice that on October 23, 1984, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern) tendered for filing Thirtieth Revised Sheet No. 4e to become a part of its FERC Gas Tariff, Third Revised Volume No. 1. Thirtieth Revised Sheet No. 4e sets forth revised rates to become effective November 2, 1984 pursuant to Northern's Flexible Pricing—Large Volume Contract Service (LVCS) Rate Schedule.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Commission's Rule of Practice (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 5, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene.

Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-28351 Filed 11-1-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP85-16-000]

Northwest Central Pipeline Corp.; Request Under Blanket Authority

October 29, 1984.

Take notice that on October 9, 1984, Northwest Central Pipeline Corporation (Northwest Central), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP85-16-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and install a new delivery point in Johnson County, Kansas, for sale and delivery of gas to The Gas Service Company (Gas Service) under the certificate issued in Docket No. CP82-479-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Northwest Central states that Gas Service has requested this additional delivery point in order to serve the O'Donnell Asphalt Company in Johnson County, Kansas. The projected volume of delivery through this point would be approximately 70,000 Mcf per year and 900 Mcf on a peak day. The estimated cost of these facilities would be $51,520, which would be paid from available funds.

Northwest Central states that this change would not be prohibited by an existing tariff and it has sufficient capacity to accomplish the deliveries specified without detriment or disadvantage to its other customers.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-28352 Filed 11-1-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-52-000]

Ohio Edison Co.; Filing

October 29, 1984

The filing Company submits the following:

Take notice that on October 17, 1984, Ohio Edison Company (Ohio Edison) tendered for filing a letter agreement to increase certain rates in its Energy Supply Agreement, designated FERC Rate Schedule 150, governing service to American Municipal Power-Ohio, Inc. (AMP-Ohio).

Ohio Edison requests an effective date of August 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 13, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary

[FR Doc. 84-28353 Filed 11-1-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-731-000]

Panhandle Eastern Pipe Line Co.; Request Under Blanket Authorization

October 29, 1984.

Take notice that on September 24, 1984, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP84-731-000 a request as supplemented October 11, 1984, and October 16, 1984, pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Chrysler Corporation (Chrysler) and Continental Steel Corporation (Continental) under its certificate issued in Docket No. CP83-83-000 pursuant to section 7 of the Natural Gas Act, as more fully set forth in the request on file with the Commission and open to public inspection.

Pursuant to a transportation agreement dated August 1, 1984, among Panhandle, Kokomo Gas and Fuel (Kokomo Gas) and KOGAF Enterprises, Inc. (KOGAF) as agent for the end-use customers, Panhandle proposes the transportation of up to 10,000 Mcf of natural gas per day on an interruptible basis from a point of interconnection to be constructed with Marlin Oil Corporation in Dewey County, Oklahoma. Panhandle states that it would deliver such gas, less a four percent reduction for fuel, to an existing point of interconnection between Panhandle and Kokomo Gas at Panhandle's Tipton sales meter, Tipton County, Indiana. Kokomo Gas, it is asserted, would deliver the gas to Chrysler and Continental for use at their Kokomo, Indiana, plants. The proposed end-use of the gas is for process gas, boiler fuel, and heat gas.

Panhandle states that the annual volume of gas to be transported is 2,555,000 Mcf. It is further stated that the average day flow is approximately 7,000 Mcf and peak day flow is 10,000 Mcf. It is further submitted that Panhandle would transport 4,000 Mcf on a peak day, 3,000 Mcf on an average day and 1,095,000 Mcf annually for Chrysler and 6,000 Mcf on a peak day, 4,000 Mcf on an average day, and 1,460,000 annually for Continental. It is asserted that this service is conditioned upon the availability of capacity sufficient to provide service without detriment or disadvantage to Panhandle's existing customers.

Panhandle submits that the transportation charge is based upon its Rate Schedule OST which rate is currently 42.0 cents plus 1.24 cents GRI surcharge for each million Btu delivered within the contract transportation quantity. It is explained that to the extent the total quantity of all transport gas delivered on any day exceeds the contract entitlement transportation quantity the rate applicable to such excess volume would be Panhandle's OST-E rate, currently 87.0 cents plus 1.24 GRI surcharge per million Btu.

It is stated that Panhandle would construct and operate a measuring station and appurtenant facilities at the point of receipt in Dewey County, Oklahoma, at an estimated cost of $28,700. Kokomo Gas, it is stated, would reimburse Panhandle for the construction cost of these facilities.

Panhandle further indicates that it may need to add and/or delete receipt and/or delivery points upon mutual agreement of the parties and has agreed to comply with certain filing agreements in implementing these changes. It advises that within 30 days following the addition or deletion of any suppliers or receipt or redelivery points, Panhandle would file the following information:

(1) Copy of the gas purchase contract between the seller and the end-user;

(2) Statement as to whether the supply is attributable to gas under contract to and released by a pipeline or distributor and if so, identification of the parties, and specification of the current contract price;

(3) Statement of the Natural Gas Policy Act of 1978 (NGPA) pricing categories of the added supply, if released gas, and the volumes attributable to each category;

(4) Statement that the gas is not committed or dedicated within the meaning of NGPA section 2(18);

(5) Location of the receipt/delivery points being added or deleted and the name of the producer/supplier;

(6) Where an intermediary participates in the transaction between the seller and the end-user, the information required by § 157.209(c)(1)(ix); and

(7) Identity of any other pipeline involved in the transportation.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-28954 Filed 11-1-84; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6763-001]

The Phoenix Hydro Corp., Surrender of Preliminary Permit

October 29, 1984

Take notice that The Phoenix Hydro Corporation, Permittee for the Sullivan Island Project No. 6763 has requested that the preliminary permit be terminated. The preliminary permit for Project No. 6763 was issued on April 8, 1983, and would have expired on April 30, 1985. The project would have been located on the Oswegatchie River in the Towns of Fowler and Edwards in St. Lawrence County, New York.

The Phoenix Hydro Corporation filed the request on September 24, 1984, and the surrender of the preliminary permit for Project No. 6763 is deemed accepted as of September 24, 1984, and effective as of 30 days after the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-28955 Filed 11-1-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-60-000]

Southern Company Services, Inc.; Filing

October 29, 1984.

The filing Company submits the following:

Take notice that on October 23, 1984, Southern Company Services, Inc. tendered for filing on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company and Mississippi Power Company (Southern Companies) Amendment No. 1 to the Amended and Restated Unit Power Sales Agreement between Jacksonville Electric Authority (JEA) and Southern Companies and Amendment No. 2 to the Interchange Contract between JEA and Southern Companies.

The amendment to the amended and Restated Unit Power Sales Agreement adds an optional payment provision pursuant to which JEA could elect to prepay the capacity charges otherwise due under the agreement. Similarly, the

amendment to the Interchange Contract would enable JEA to elect to prepay capacity charges under Service Schedule E (Long Term Power) of that Interchange Contract. The financing available to it as a municipality.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protests with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 14, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-28956 Filed 11-1-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-720-000]

Texas Gas Transmission Corp.; Application

October 30, 1984

Take notice that on September 19, 1984, Texas Gas Transmission Corporation (Texas Gas), P.O. Box 1160, Owensboro, Kentucky 42302, filed in Docket No. CP84-720-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the uprating of existing General Electric gas turbines located at the Kenton compressor station, Kenton, Obion County, Tennessee; Lake Cormorant compressor station, Lake Cormorant, DeSoto County, Mississippi; Greenville compressor station, Greenville, Washington County, Mississippi; and Columbia compressor station, Columbia, Coldwell Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas Gas states that through the installation of various turbine parts, the compression of these turbines would be increased by 1,090 horsepower at each compressor station. The total estimated cost associated with the proposed uprating would be $85,120 which would be financed from funds on hand.

Texas Gas states that the sole purpose for the uprating is to reduce fuel requirements at the compressor stations.

Any person desiring to be heard or to make any protest with reference to said application should on on before November 19, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Texas Gas to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary

[FR Doc. 84-28957 Filed 11-1-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP85-12-000]

Texas Gas Transmission Corp.; Application

October 30, 1984.

Take notice that on October 5, 1984, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky, filed in Docket No. CP85-12-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to increase the contract demands for eleven of its existing customers and to decrease the contract demands for two of its existing customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the proposed increases in contract demands, totalling 2,586 Mcf of gas per day, would be allocated among the eleven customers as follows:

Customer	Existing contract demand	(Mcf/d) requested increase	Proposed contract demand
Bells, TN, city of	1,076	124	1,200
Benton, KY, city of	3,020	302	3,322
Boonville Natural Gas Corp	5,000	95	5,095
Chandler Natural Gas Corp	1,800	50	1,850
Clarendon, AR, town of	1,570	157	1,727
Dickeyboro, KY, city of	1,200	300	1,520
Evangeline Gas Co., Inc	2,040	460	2,500
Farmers Gas Service, Inc	510	100	610
Lafourche Gas Corp	810	300	1,110
Marvell, AR, town of	1,440	144	1,584
Peoples Gas & Power Co., Inc	1,785	554	2,339
Total increase		2,586	

It is further stated that the proposed increases in contract demands are required to accommodate past and future growth in the customers' residential, commercial, and in some cases, industrial loads.

It is averred that the proposed decreases in contract demands, totalling 1,996 Mcf per day, would be allocated among the two customers as follows:

Customer	Existing contract demand	(Mcf/d) requested decrease	Proposed contract demand
Linton, IN, city of	6,076	981	5,095
Carrollton Utilities	5,965	695	5,000
Total decrease		1,996	

Applicant states that the cause of the two requests to reduce contract demands are completion of a peak shaving plant in the case of Carrollton Utilities and loss of commercial and industrial load in the case of the City of Linton, Indiana. Additionally, Applicant states that the City of Linton has requested that Applicant change the rate schedule applicable to its purchases from Rate Schedule G-3 to Rate Schedule SG-3.

Applicant asserts that approval of the requested increases and decreases in contract demands would result in a net increase of 590 Mcf per day on Applicant's system. It is further indicated that such increase represents only a 0.02 percent increase in Applicant's total jurisdictional contract demands which can be accommodated with existing facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 19, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-28958 Filed 11-1-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP85-21-000]

Transcontinental Gas Pipe Line Corp.; Application

October 30, 1984.

Take notice that on October 10, 1984, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP85-21-000 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to transport natural gas on behalf of Southern Natural Gas Company (Southern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to transport on behalf of Southern, on an interruptible basis, quantities of gas up to a dekatherm equivalent of 35,000 Mcf per day (subject to the exception discussed hereinafter concerning increased takes by Applicant) pursuant to a transportation agreement between Applicant and Southern dated July 1, 1984. It is explained that such quantities, which are produced at Eugene Island Block 108, offshore Louisiana, would be made available to Applicant at Applicant's existing pipeline facilities located at the Mobil Oil Exploration and Producing Southeast Inc. separation and dehydration facilities at Eugene Island Block 129, offshore Louisiana. Applicant states that it would redeliver thermally equivalent quantities, less a percentage for gas lost and unaccounted for and fuel and less a reduction in volume and Btu due to processing, if any, to Southern at the existing interconnection between the facilities of Southern and Applicant located in Section 33, Township 7 South, Range 4 East in Livingston Parish, Louisiana.

Applicant states that it would not be required to transport quantities of gas for Southern which, when averaged on a daily basis over the periods set forth below, are in excess of the applicable percentage of Southern's share of deliverability from Eugene Island Block 108 as provided below for each of such periods (based upon actual deliverability as established by deliverability tests, or an assumed deliverability from all producers in Eugene Island Block 108 of 75,000 Mcf per day, whichever is less):

Period	Percent of deliverability
January 1, 1984 through December 31, 1984	60
January 1, 1985 through June 30, 1985	65
July 1, 1985 through December 31, 1985	65
January 1, 1986 through June 30, 1986	85
July 1, 1986 through June 30, 1987 and every 12 months thereafter through June 30, 1990	85
July 1, 1990 through June 30, 1991 and every 12 months thereafter through remainder of term of the transportation agreement	90

Applicant states that the above limitations notwithstanding, if Applicant takes gas from its producers in Eugene Island Block 108 at a level in excess of those provided above, at Southern's election Applicant would transport gas for Southern hereunder in quantities up to a level at which Applicant is taking from its producers. It is stated that, prior to increasing its takes at a level in excess of those provided above, Applicant would so notify Southern. It is also stated that transportation hereunder would be conditioned upon the availability of capacity sufficient to provide this service without detriment or disadvantage to Applicant's existing customers who are dependent on Applicant's general system supply.

Applicant states that, initially, it would charge 11.5 cents per dt equivalent for this transportation service and would retain 1.2 percent of the quantities received by Applicant for compressor fuel and line loss make-up.

Applicant states that the transportation agreement would remain in force for a primary term of ten years from the date of initial delivery of gas hereunder, which would be the date of issuance of an acceptable certificate of public convenience and necessity authorizing transportation hereunder, and year to year thereafter unless and until terminated by either party giving prior written notice to the other party of not less than one year, which termination may be made effective at the end of the primary term or at the end of any year thereafter.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 19, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion

believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, itr will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-28959; Filed 11-1-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-59-000]

Wisconsin Power & Light Co., Filing

October 29, 1984.

The filing Company submits the following:

Take notice that on October 22, 1984, Wisconsin Power & Light Company (WPL) tendered for filing an amendment dated September 17, 1984 between the City of Sheboygan Falls and WPL. WPL states that this amendment provides a second supply point for the sale of energy and power between the parties.

WPL requests an effective date of September 17, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been provided to the City of Sheboygan Falls and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 14, 1984. Protests will be considered by the Commission in determing the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-28960 Filed 11-1-84; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51543; FRL-2708-5]

Premanufacture Notices; Certain Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the Federal Register of May 13, 1983 (48 FR 21722). This notice announces receipt of thirty-two PMNs and provides a summary of each.

DATES: Close of Review Period:

PMN 85-54, 85-55, 85-56, 85-57, 85-58 and 85-59: January 16, 1985

PMN 85-60, 85-61 and 85-62: January 19, 1985

PMN 85-63, 85-64, 85-65, 85-66, 85-67, 85-68, 85-69, 85-70, 85-71, 85-72, 85-73, 85-74, 85-75, 85-76, 85-77 and 85-78: January 20, 1985

PMN 85-79 and 85-80: January 21, 1985

PMN 85-81, 85-82, 85-83, 85-84 and 85-85: January 22, 1985

Written comments by:

PMN 85-54, 85-55, 85-56, 85-57, 85-58 and 85-59: December 17, 1984

PMN 85-60, 85-61 and 85-62: December 20, 1984

PMN 85-63, 85-64, 85-65, 85-66, 85-67, 85-68, 85-69, 85-70, 85-71, 85-72, 85-73, 85-74, 85-75, 85-76, 85-77 and 85-78: December 21, 1984

PMN 85-79 and 85-80: December 22, 1984

PMN 85-81, 85-82, 85-83, 85-84 and 85-85: December 23, 1984

ADDRESS: Written comments, identified by the document control number "[OPTS-51543]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Chemical Information Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M St., SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M St., SW., Washington, DC 20460, (202-382-3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address.

PMN 85-54

Importer. Hercules Incorporated.

Chemical. (G) Organotungsten compound.

Use/Import. (S) Industrial component of polymerization catalyst and reaction injection molding of dicyclopentadiene. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and use: dermal, a total of 7 workers, up to 8 hrs/da, up to 330 da/yr.

Environmental Release/Disposal. Varying amounts released.

PMN 85-55

Importer. Confidential.

Chemical. (G) Substituted sulfonated naphthalene.

Use/Import. (S) Leather dye. Import range: Confidential

Toxicity Data. Ames Test: Negative.

Exposure. Processing: dermal, a total of 7 workers, up to 1 hr, maximum, 1 day period.

Environmental Release/Disposal. Disposal by on-site biological treatment and municipal sewers.

PMN 85-56

Manufacturer. Confidential.

Chemical. (G) Alkylcycloalkenyl ketone.

Use/Production. (G) Intermediate useful in creating compounds ultimately useful in augmenting or enhancing aroma and perfumed articles or helping to impart fragrance to perfumable articles. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 3 workers, up to 1 hr/da, up to 2 da/yr.

Environmental Release/Disposal. Less than 0.1 kg/batch released to water. Disposal by on-site pre-treatment plant.

PMN 85–57

Manufacturer. Confidential.

Chemical. (G) Cycloalkenyl alkyl oxirane.

Use/Production. (G) Intermediate useful in creating compounds ultimately useful in augmenting or enhancing aroma and perfumed articles or helping to impart fragrance to perfumable articles. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 3 workers, up to 1 hr/da, up to 2 da/yr.

Environmental Release/Disposal. Less than 0.1 kg/batch released to water. Disposal by on-site pre-treatment plant.

PMN 85–58

Manufacturer. Confidential.

Chemical. (G) Cycloalkenyl alkyl triirane.

Use/Production. (G) Intermediate useful in creating compounds ultimately useful in augmenting or enhancing aroma and perfumed articles or helping to impart fragrance to perfumable articles. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 3 workers, up to 1 hr/da, up to 2 da/yr.

Environmental Release/Disposal. Less than 0.005 kg/batch released to water. Disposal by incineration and on-site pre-treatment plant.

PMN 85–59

Manufacturer. Confidential.

Chemical. (G) Cycloalkenyl alkyl thiol.

Use/Production. (G) Soaps and detergents, functional products and fine fragrance additives. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 3 workers, up to 1 hr/da, up to 2 da/yr.

Environmental Release/Disposal. Less than 0.01 released with less than 0.005 kg/batch to water. Disposal by incineration and on-site pre-treatment plant.

PMN 85–60

Manufacturer. Confidential.

Chemical. (G) Functional polyester.

Use/Production. (G) Resin for industrial topcoat finishes. Prod. range: 5,000–19,600 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 21 workers, up to 8 hrs/da, up to 14 da/yr.

Environmental Release/Disposal. 15 to 25 kg/batch released to land. Disposal by incineration and landfill.

PMN 85–61

Manufacturer. Owen-Corning Fiberglas Corporation.

Chemical. (G) Aromatic polyester.

Use/Production. (S) Industrial fiber and resin. Prod. range: Confidential

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Release to air. Drummed and sent to disposal.

PMN 85–62

Manufacturer. Confidential.

Chemical. (G) Polyalkylene oxide aromatic diisocyanate prepolymer.

Use/Production. (G) Reactive plastic. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 85–63

Manufacturer. SCM Organic Chemicals.

Chemical. (G) Alkyl substituted cyclopentanol.

Use/Production. (G) Dispersive use, highly dispersive use and destructive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 85–64

Manufacturer. Confidential.

Chemical. (G) Organosilicone copolymer.

Use/Production. (S) Silicone gum for silicone rubber production. Prod. range: Confidential.

Toxicity Data. Acute oral: Male and female—> 5,000 mg/kg; Acute dermal: > 2,000 mg/kg; Irritation: Skin—Mild, Eye—Moderate.

Exposure. Manufacture: dermal, a total of 11 workers.

Environmental Release/Disposal. 1 quart released. Disposal by Resource Conservation and Recovery Act (RCRA) approved landfill.

PMN 85–65

Importer. Confidential.

Chemical. (G) Substituted cycloalkanone.

Use/Import. (G) Highly dispersive use. Import range: Confidential.

Toxicity Data. Acute oral: > mg/kg; Irritation: Eye—Moderate; Ames test: Not mutagenic; Skin sensitization: Strong sensitizer; Repeated insult patch test: Non-irritant/nonsensitizer; LC_{100} 48 hr (Rainbow trout): 30 mg/1; MTC 48 hr (Rainbow trout): 20 mg/1; BOD: 2,720 g/kg; TOC: 7,68 g/kg/ Mr: 2,50 g/mol; Phototoxicity test: Non-phototoxic; Photosensitization test: No photoallergenic potential.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by publicly owned treatment works (POTW).

PMN 85–66

Manufacturer. Confidential.

Chemical. (G) Polyurethane polymer.

Use/Production. (G) Adhesive for open non-dispersive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 85–67

Importer. Marubeni America Corporation.

Chemical. (S) 2,2'-diallyl-4,4'-sulfonyl diphenol.

Use/Importer. (S) Industrial developer for heat sensitive dyes. Import range: 1,000–2,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Processing: dermal.

Environmental Release/Disposal. No data submitted

PMN 85–68

Manufacturer. Confidential.

Chemical. (G) Alkyd resin.

Use/Production. (S) Resin is made into paint. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 85–69

Manufacturer. Confidential.

Chemical. (G) Condensation acrylic copolymer.

Use/Production. (G) Acrylic is converted to paint. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 85–70

Manufacturer. Confidential.

Chemical. (G) Epoxy modified alkyl resin.
Use/Production. (S) Resin is converted into paint. Prod. range: onfidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 85–71

Manufacturer. Confidential.
Chemical. (G) Alkyl resin.
Use/Production. (G) Bare for finished product. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 85–72

Importer. General Electric Company.
Chemical. (S) Lanthanum phosphate, cerium and terbium activated.
Use/Import. (S) Industrial, commercial and consumer component of the suspension of light emitting materials (phosphors) utilized in the manufacturing of fluorescent lamps and present within fluorescent lamps. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. Processing and use: dermal and inhalation.
Environmental Release/Disposal. Release to air and land. Disposal by POTW and landfill.

PMN 85–73

Manufacturer. Confidential.
Chemical. (G) Modified acrylic copolymer.
Use/Production. (G) Coatings additive in open, non-dispersive use Prod. range: Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Manufacture: dermal, a total of 32 workers.
Environmental Release/Disposal. Release to land. Disposal by approved landfill.

PMN 85–74

Manufacturer. Confidential.
Chemical. (G) Modified acrylic polymer.
Use/Production. (G) Coatings additive in open, non-dispersive use. Prod. range: Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Manufacture: dermal, a total of 32 workers.
Environmental Release/Disposal. Release to land. Disposal by approved landfill.

PMN 85–75

Manufacturer. Confidential.
Chemical. (G) Modified acrylic polymer.
Use/Production. (G) Coatings additive in open, non-dispersive use. Prod. range: Confidential.
Toxicity Data. Acute oral: >5.0 g/kg; Acute dermal: >5 g/kg; Irritation: Skin—Non-irritant, Eye—Inconsequential irritant; LC_{50} 96 hr (Fathead minnow): >1,000 mg/l; LC_{50} 48 hr (Daphnic): >1,000 mg/l; EC_{50} 96 hr (Algae): 213 mg/l,
Exposure. Manufacture: dermal, a total of 32 workers.
Environmental Release/Disposal. Release to land. Disposal by approved landfill.

PMN 85–76

Manufacturer. Confidential.
Chemical. (G) Modified acrylic polymer.
Use/Production. (G) Coatings additive in open, non-dispersive use. Prod. range: Confidential.
Toxicity Data. Acute oral: >5.0 g/kg; Acute dermal: >5 g/kg; Irritation: Skin—Non-irritant, Eye—Inconsequential irritant.
Exposure. Manufacture: dermal, a total of 32 workers.
Environmental Release/Disposal. Release to land. Disposal by approved landfill.

PMN 85–77

Manufacturer. Confidential.
Chemical. (G) Modified acrylic polymer.
Use/Production. (G) Coatings additive in open, non-dispersive use. Prod. range: Confidential.
Toxicity Data. Acute oral: >5.0 g/kg; Acute dermal: >5 g/kg; Irritation: Skin—Non-irritant, Eye—Moderate.
Exposure. Manufacture: dermal, a total of 32 workers.
Environmental Release/Disposal. Release to land. Disposal by approved landfill.

PMN 85–78

Manufacturer. Rohm and Haas Company.
Chemical. (G) Substituted propionamide.
Use/Production. (S) Site-limited intermediate for pesticide. Prod. range: Confidential.
Toxicity Data. Acute oral: 292–500 mg/kg; Acute dermal: >5,000 mg/kg; Irritation: Skin—Slight, Eye—Moderate; Ames Test: Non-mutagenic.
Exposure. Manufacture and use: dermal, a total of 24 workers.
Environmental Release/Disposal. Release to land. Disposal by incineration and approved landfill.

PMN 85–79

Manufacturer. Confidential.
Chemical. (G) Substituted naphthol dyestuff.
Use/Production. (G) Coloration of petroleum products. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 85–80

Importer. Huels Corporation.
Chemical. (S) 3-dodecyl-1-(2,2,6,6-tetramethyl-4-piperidinyl)-2,5-pyrrolidinedione.
Use/Import. (S) Industrial light stabilizer for plastics. Import range: 1,000–30,000 kg/yr.
Toxicity Data. Acute oral: Male and female—2,000 mg/kg; Irritation: Skin—Strong, Eye—Very irritant; Ames Test: Non-mutagenic.
Exposure. Processing: dermal.
Environmental Release/Disposal. No release. Disposal by incineration or dumping.

PMN 85–81

Manufacturer. Confidential.
Chemical. (S) N-[3-methyl-5-(phenylamino)-2, 4-pentadienylidene] benzanamine, monohydrobromide salt.
Use/Production. (G) Chemical intermediate. Prod. range: 20–80 kg/yr.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Manufacture and use: dermal, a total of 4 workers, up to 0.9 hr/da, up to 2 da/yr.
Environmental Release/Disposal. No release. Less than 1 to 2 kg/batch incinerated.

PMN 85–82

Manufacturer. Confidential.
Chemical. (G) Tetrasubstituted pyrazole salt.
Use/Production. (G) Contained use in a commercial article. Prod. range: 25–100 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal, a total of 15 workers, up to 0.9 hr/da, up to 20 da/yr.
Environmental Release/Disposal. 0 to 0.2 kg/batch released to water. Less than 0.5 kg/batch incinerated with less than 0.2 kg/batch disposed of by biological treatment system and navigable waterway.

PMN 85–83

Manufacturer. Confidential.
Chemical. (G) Polyester from dimethyl terephthalate, ethylene glycol and 3-substituted propanic acid glycol ester.

Use/Production. (G) Dispersive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 289 workers, up to 10 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. 2.0 to 3.0 kg/batch and 11 to 82 kg/day released to land. Disposal by sanitary landfill.

PMN 85-84

Manufacturer. The Minnesota Mining and Manufacturing Company.

Chemical. (G) Perfluoroalkyl substituted acrylate polymer.

Use/Production. (G) Soil and stain repellant surface treatment. Prod. range: Confidential.

Toxicity Data. Acute oral: Male and female—15,000 mg/kg; Irritation: Skin—Slight, Eye—Minimal; COD: 002 g/g; BOD_5: Nil; BOD_{10}: Nil; BOD_{20}: Nil; EC_{50} 48 hr (Waterflea): 20 mg/l; EC_{50} 48 hr combined (Waterflea): 3.2 mg/L, 95% C. L. (Waterflea): 2.9-3.6 mg/L, LC_{50} 96 hr (Fathead minnow): 9 mg/l; 95% C. L. (Fathead minnow): 8-11 mg/L, IC_{50} (Microbial oxygen uptake): > 750 mg/L.

Exposure. Manufacture: dermal

Environmental Release/Disposal. Less than 5 lbs released. Disposal by incineration.

PMN 85-85

Manufacturer. Morton Thiokol, Inc.

Chemical. (G) Sodium salt of sulfated linear C_{11} alcohol ethoxylate.

Use/Production. (G) Detergent/cleaner base—there is a unique foaming characteristic which may be advantageous for household cleaners and brighteners. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: dermal, a total of 7 workers, up to 20 min. up to 50 da/yr.

Environmental Release/Disposal. 125 kg/yr released to water. Disposal by POTW and on-site pretreatment plant.

Dated: October 29, 1984.

Linda A. Travers,

Acting Director, Information Management Division.

[FR Doc. 84-28909 Filed 11-1-84; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-44009; FRL-2708-4]

Alkyl Phthalates, Acetonitrile, Cyclohexanone, and Chlorinated Paraffins; Receipt of Test Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the data submissions received by EPA during the third quarter of 19845 from negotiated testing programs and other industry testing programs accepted by EPA in lieu of requiring testing under section 4 of the Toxic Substances Control Act (TSCA). These submissions include biodegradation, vapor pressure, octanol-water partition coefficient and acute aquatic toxicity testing of a number of alkyl phthalates, mutagenicity and teratogenicity testing on acetonitrile, teratology and mutagenicity studies on cyclohexanone, and subchronic toxicity and avian reproductive studies on certain chlorinated paraffins.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, D.C. 20460, Toll Free: (800-424-9065), In Washington, D.C.. (554-1404), Outside the USA: (Operator-800-554-1404).

SUPPLEMENTARY INFORMATION: Section 4(d) of TSCA requires EPA to issue a notice in the Federal Register reporting on any test data received pursuant to test rules promulgated under section 4(a). Although not required by section 4(d), EPA also periodically publishes notices of receipt of data from negotiated testing programs and other industry programs the conduct of which led EPA not to require testing through test rules. This notice announces test data submissions received during the third quarter of 1984 from such industry testing programs under TSCA.

I. Alkyl Phthalates

The Chemical Manufacturers Association (CMA), on behalf of the Phthalates Esters Program Panel, is conducting testing on a number of alkyl phthalates, alkyl diesters of 1,2-benzenedicarboxylic acid, which are primarily used as plasticizers. The CMA's proposal was accepted by the Agency in lieu of a test rule under section 4 of TSCA and is described in the Federal Register of October 30, 1981 (46 FR 53775).

EPA received the following test results in September, 1984. Results of a 96-hour flowthrough acute toxicity test on Sheepshead minnow (*Cyprinidon variegatus*) were submitted for dimethyl phthalate (DMP, CAS No. 131-11-3), diethyl phthalate (DEP, CAS No. 84-66-2), di-*n*-butyl phthalate (DBP, CAS No. 84-74-2), butyl benzyl phthalate (BBP, CAS No. 85-68-7), dihexyl phthalate (DHP, CAS No. 146-50-9), butyl-2-ethylhexyl phthalate (BOP, CAS No. 85-69-8), di(*n*-hexyl, *n*-octyl, *n*-decyl phthalate 610P, CAS No. 25724-58-7), di-2-ethylhexyl phthalate (DEHP, CAS No. 117-81-7), diisooctyl phthalate (DIOP, CAS No. 27554-26-3), diisononyl phthalate (DINP, CAS No. 28553-12-0), diisodecyl phthalate (DIDP, CAS No. 26761-40-0), diundecyl phthalate (DUP, CAS No. 3648-20-2), and ditridecyl phthalate (DTDP, CAS No. 119-06-2); LC_{50} values were reported. Results of a 48-hour static acute toxicity test on *Daphnia magna* were submitted for DMP, DEP, DBP, BBP, DHP, BOP, 610P, DEHP, DIOP, DINP, DIDP, DUP, DTDP, and di-(heptyl, nonyl, undecyl) phthalate (711P, no CAS No.); LC_{50} values were reported. Vapor pressure was determined for DMP, DEP, DBP, BBP, DHP, 610P, DEHP, DIOP, and DINP; this value was estimated for BOP because gas saturation equilibrum was not attained. Results of activated sludge biodegradation of DMP, DEP, DBP, BOP, DHP, 610P, DIOP, DEHP, DINP, 711P, DIDP, and DTDP were reported as the mean percent primary biodegradation during the draw and fill phase and the half-life in days for the 19-day dieaway phase. Octanol-water partition coefficient was determined by the equilibrium method for DMP, DEP, and DBP; Log P value was determined by the high performance liquid chromatography method for DMP, DEP, DBP, BBP, DHP, BOP, 610P, DEHP, DIOP, DINP, 711P, DIDP, DUP, and DTDP

II. Acetonitrile

The manufacturers of acetonitrile (CAS No. 75-05-8), used as an industrial solvent and as a reaction intermediate in pharmaceutical and pesticide manufacture, are conducting a health effects testing program which was reported in the Federal Register of November 4, 1983 (48 FR 50942).

On July 13, 1984, EPA received results of an *in vitro* gene mutation assay in Chinese Hamster Ovary cells and an embryo-fetal toxicity teratogenicity study (gavage) on New Zealand White Rabbits.

III. Cyclohexanone

The Cyclohexanone Study Group is conducting a health effects testing program on cyclohexanone (CAS No. 108-94-1) a chemical intermediate and solvent for resins, dyes, and insecticides. The preliminary negotiated testing agreement was published on January 3, 1984 (49 FR 136).

On July 2, 1984, EPA received results of inhalation teratology studies in rats and mice, and gene mutation, chromosome aberration, and sister

chromatid exchange studies on Chinese Hamster Ovary cells.

IV Chlorinated paraffins

The Consortium of Chlorinated Paraffins Manufacturers is conducting a testing program on chlorinated paraffins, substances used primarily as flame retardants and plasticizers. This testing program, described in full in the Federal Register of January 8, 1982 (47 FR 1017), was accepted by EPA in lieu of a chlorinated paraffins test rule under section 4 of TSCA.

In August 1984, results of a 13-week dietary toxicity study on rats were received. The study investigated excretion, tissue level and elimination after single oral gavage administration of a 52 percent chlorinated intermediate chain length or a 58 percent chlorinated short-chain paraffin. The no-effect-level was determined and effects at other levels were reported.

In October 1984, EPA received the results of a one-generation reproductive study in mallard ducks with a 58 percent chlorinated short-chain paraffin. A no-observable effect dietary concentration and decrease in eggshell thickness and embryo viability at highest concentration tested were reported. Additional studies on the chlorinated paraffins were performed by the National Toxicology Program and include subchronic toxicity tests on rats and mice on a 58 percent chlorinated short-chain paraffin and on a 43 percent chlorinated long-chain paraffin. The tests on the 58 percent chlorinated short-chain paraffin found liver symptoms in rates and mice; tests on the 43 percent chlorinated long-chain paraffin documented histopathological changes in female rats but no clear evidence of toxicity in male rats or male and female mice.

V Public Record

EPA has established a public record for this quarterly receipt of data notice (docket number OPTS-44009). This record includes copies of all studies reported in this notice. The record is available for inspection from 8 a.m. to 4 p.m. Monday through Friday, except legal holidays, in the OPTS reading room, E-107, 401 M St., SW., Washington, D.C. 20460.

Dated: October 26, 1984.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 84-28908 Filed 11-1-84; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59174; FRL-2708-3]

Test Marketing Exemption Application; Certain Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's final rule published in the Federal Register of May 13, 1983 (48 FR 21722. This notice, issued under section 5(h)(6) of TSCA, announces receipt of two applications for exemptions, provides a summary, and requests comments on the appropriateness of granting each of the exemptions.

DATE: Written comments by November 19, 1984.

ADDRESS: Written comments, identified by the document control number "[OPTS-59174]" and the specific TME number should be sent to: Document Control Officer (TS-793), Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201 401 M Street, SW, Washington, DC 20460, (201-382-3532).

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, SW, Washington, DC 20460. (201-382-3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TMEs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address.

TME 85-3

Close of Review Period. December 8, 1984

Manufacturer. Confidential.

Chemical. (G) Further clarification needed before the generic name of the product can be released.

Use/Production. (S) Industrial contained use. Prod. range: 2,000-5,000 kg/year.

Toxicity Data. No data submitted.

Exposure. Manufacture and use: dermal, a total of 5-10 workers.

Environmental Release/Disposal. Disposal in accordance with federal and state regulations.

TME 85-4

Close of Review Period. December 8, 1984.

Manufacturer. Morton Thiokol, Inc.

Chemical. (G) Sodium salt of sulfated linear C_{9-11} alcohol ethoxylate.

Use/Production. (G) Detergent/cleaner base—there is a unique foaming characteristic which may be advantageous for household cleaners and brighteners. Prod. range: Confidential.

Toxicity Data. No data on the TME substance submitted.

Exposure. Manufacture: dermal, a total of 2 workers, up to < 1 hr/da.

Environmental Release/Disposal. No release.

Dated: October 29, 1984.

Linda A. Travers,

Acting Director, Information Management Division.

[FR Doc. 84-28907 Filed 11-1-84; 8:45 am]

BILLING CODE 6560-50-M

[OW-5-FRL-2708-2]

Leather Tanning and Finishing Industry Point Source Category; Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards

AGENCY: Environmental Protection Agency.

ACTION: Notice identifying eight (8) leather tanning companies discharging process wastewater to the Milwaukee Metropolitan Sewerage District in the State of Wisconsin, to which the sulfide pretreatment standards shall not apply as provided by 40 CFR Part 425.04 (47 FR 52848).

SUMMARY: The Milwaukee Metropolitan Sewerage District (MMSD) operates publicly owned treatment works (POTWs) which accept wastewater from eight tanneries that are subject to pretreatment standards of 40 CFR Part 425. The MMSD was requested by the tanneries to waive the categorical sulfide pretreatment standard applicable to their wastewater discharge. The tanneries to which the sulfide pretreatment standards shall not apply are:

1. Cudahy Tanning Company, 5043 S. Packard, Cudahy, Wisconsin
2. Flagg Tanning Corporation, 624 W. Oregon St., Milwaukee, Wiscosin

3. A. F Gallun and Sons Corporation, 1818 N. Water St., Milwaukee, Wisconsin
4. Gebhardt-Vogel Tanning Corporation, 2615 W. Greves St., Milwaukee, Wisconsin
5. Pfister and Vogel Tanning Company, 1531 N. Water St., Milwaukee, Wisconsin
6. Seidel Tanning Corporation, 602 W. Oregon St., Milwaukee, Wisconsin
7. Thiele Tanning Corporation, 123 N. 27th St., Milwaukee, Wisconsin
8. Ziegler Tanning Corporation, 606 W. Oregon St., Milwaukee, Wisconsin.

FOR FURTHER INFORMATION CONTACT: Valerie Jones, Region V Pretreatment Coordinator, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353-2105.

SUPPLEMENTARY INFORMATION: On November 23, 1982, the Environmental Protection Agency promulgated Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Leather Tanning and Finishing Industry Point Source Category (47 FR 52848). These regulations established categorical pretreatment standards for the discharge of sulfides by tanneries to POTWs. The regulations also established a procedure in § 425.04(c) to waive the applicability of the sulfide pretreatment standard to the affected tanneries by the POTW.

These regulations became effective on January 6, 1983, except § 425.04 (b) and (c) which contained information collection requirements that had to be reviewed and approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511). On June 30, 1983, a notice was published in the Federal Register that OMB had approved the information collection requirements. Applicable reporting dates previously specified in § 425.04 (b) and (c) were subsequently revised with final corrections published on August 5, 1983 (48 FR 35649). As previously stated, POTWs with tanneries tributary to their treatment works and regulated by the Leather Tanning regulations may optionally apply on tanneries' behalf for a waiver from the categorical sulfide pretreatment standard provided that the POTW can certify that the regulated tanneries' sulfide discharges do not interfere with the operations of the treatment works. This sulfide waiver request must comport with the requirements listed in § 425.04(b) and (c), as well as satisfy the requirements contained in the National Sulfide Criteria Document. The applying POTW must first issue a public notice of their intent to waive the sulfide standard, conduct a public hearing (if one is requested), and submit a certification statement to the Regional Water Division Director with documentation supporting the noninterference claim. The MMSD issued public notices on March 4, 1983, and October 3, 1983, in the *Milwaukee Journal* which presented the findings supporting the MMSD's determination that the discharge of sulfides from the tanneries does not interfere with the operation of the treatment works. No public comments were received in response to these public notices; and therefore, public hearings were not held. Subsequently, the MMSD submitted to the Regional Water Division Director its written certification statement, as well as information and data which it considered relevant factors, including:

1. The presence and characteristics of other industrial wastewaters which can increase or decrease sulfide concentrations, pH, or both;
2. The Characteristics of the sewer/interceptor collection system which either minimize or enhance opportunities for the release of hydrogen sulfide gas;
3. The characteristics of the receiving POTW's headworks, preliminary and primary treatment systems, and sludge holding and dewatering facilities which either minimize or enhance opportunities for the release of hydrogen sulfide gas; and
4. The occurrence of any prior sulfide related interference as defined in § 425.02(j).

The Region has carefully reviewed all supporting documentation and has determined that the MMSD has considered all the relevant factors, as required by 40 CFR 425.04 (b) and (c) and the National Sulfide Waiver Criteria Document. The following summarizes the steps taken by the Region regarding this request.

The Region reviewed the information MMSD supplied on points of discharge of the eight applying tanneries to the treatment service area, as well as descriptions of their operations and characteristics of their discharge. These eight tanneries account for the majority of the industrial sulfide discharged to the POTW. Chapter 11 of MMSD's Rules and Regulations require that wastewater discharges from industrial users to the sewerage system be at a pH greater than 5.5.

Six of the eight applying tanneries discharge to portions of the collection system which are free-flowing gravity interceptors from the point of contribution to the treatment plant, between which no stagnant or dead spots occur. The remaining two tanneries discharge to the low level collection system and depending on the hydraulic conditions within this system, this wastewater either travels to the treatment plant via a free-flowing gravity interceptor or enters the Brady Street Pumping Station and is pumped up to the high level collection system where it travels to the treatment plant via a free-flowing gravity interceptor.

Other than the Brady Street Pumping Station, there are no discontinuities in the hydraulic profile between the points of contribution of these two facilities and the treatment plant. MMSD has no problems with crown corrosion within its sewerage system caused by the conversion of hydrogen sulfide to sulfuric acid as confirmed by the most recent comprehensive Sewer System Evaluation Study.

The Brady Street Pumping Station has a forced-air ventilation system, as well as continuous monitoring for detection of hydrogen sulfide. A pilot scrubber system has also been recently installed to control odors associated with hydrogen sulfide gas emissons. Because of the hydraulic conditions which exist within MMSD's low level system at this particular location, however, problems with solids deposition occur, and MMSD must clean this particular portion of the system at least three times per year. The continuous monitoring for hydrogen sulfide was installed to prevent potential problems which might occur due to hydrogen sulfide formation resulting from solids deposition and during the frequent cleaning of the sewer lines within this vicinity. As part of its Water Pollution Abatement Program, MMSD intends to remedy this situation by providing adequate relief capacity to this area of this collection system.

MMSD documented in its public notice that in 1983 an incident occurred in which a District employee collapsed in a manhole. The symptoms associated with the employee's collapse were consistent with oxygen deficiency caused by exposure to either carbon monoxide or hydrogen sulfide; however, the exact cause was not establishable as exposure to both gases was possible. In this particular instance, the employee was a member of a crew involved in the cleaning of the portion of the District's low level system. A Board of Inquiry was established to investigate this incident which determined that proper confined entry procedures were not followed in this particular incident. Since this incident, steps have been taken to ensure that MMSD field

personnel follow a confined space entry procedure in which the atmosphere of the confined space is sampled and tested for the presence of hydrogen sulfide gas as well as other gases before entry.

This determination applies only to the sulfide pretreatment standard and will be contingent upon the MMSD's and the affected tanneries' adherence to the following conditions. Failure to comply with the specified conditions can be considered grounds for the Region's withdrawal of this waiver after formal notice to the MMSD and the affected tanneries:

1. By October 31, 1984, MMSD shall issue wastewater discharge permits to the eight enumerated tanneries. These permits shall contain conditions which will eliminate the occurrence of slug loads and discharges with a pH less than 7.0 to the sewerage system, specify a continuous pH monitoring frequency, and require compliance with all applicable provisions of the MMSD's Chapter 11 Rules and Regulations and amendments thereto. Upon request by the Region, these wastewater discharge permits shall be made available for review and inspection.

2. By March 31, 1985, and annually thereafter, MMSD shall also submit, as part of its Annual Pretreatment Program Review Report (required by Part II Section D [5] of its WPDES permit number WI-0024775-3), an evaluation of significant changes during the year in levels of flow and related levels of sulfides and sulfates or pH, that is based upon compliance monitoring conducted by MMSD, as well as information supplied by the eight tanneries pursuant to their wastewater discharge permit requirements. This evaluation shall also provide information on any significant changes in discharges by other industrial facilities, or other changes within the District's collection and treatment system, which may have increased hydrogen sulfide emissions in the system.

3. MMSD shall commence construction of the improvements to the Brady Street Station by December 31, 1985, and shall complete construction of these improvements by June 1, 1986. Additionally, the District shall complete final construction in accordance with the existing Stipulation Agreement executed with the Wisconsin Department of Natural Resources (WDNR), which will provide relief capacity to the MMSD's low level collection system prior to the Brady Street Pumping Station, so as to prevent potential problems which might occur due to hydrogen sulfide formation resulting from solids deposition.

4. Until the improvements to the Brady Street Pumping Station are completed, and until adequate relief capacity is provided to the sewer system tributary to the Brady Street Pumping Station, the MMSD shall continue to clean this sewer system on a quarterly basis, or more frequently, if necessary, to ensure that it is free from solids buildup. The necessity for more frequent cleaning will be based on the results obtained from the cleaning reports. These cleaning reports must identify the quantity of material removed for the cleaning period and shall be submitted to Region V and WDNR on a quarterly basis. Additionally, the MMSD shall ensue that the present hydrogen sulfide gas alarm system, located within the Brady Street Pumping Station, remains fully functional at all times.

All other pretreatment standards for existing sources contained in 40 CFR Part 425, will remain in effect for these tanneries. These requirements do not replace any more stringent conditions required by MMSD or the WDNR. If any other conditions are imposed on the affected tanneries by the MMSD which will impact the waiving of the sulfide pretreatment standard, then the MMSD must formally notify the Region thirty days (30) prior to the effective date of the proposed modification.

Therefore, pursuant to § 425.03(c), and in consideration of the representations and information provided by MMSD, I hereby grant this waiver of sulfide requirements set forth in the Leather Tanning and Finishing Pretreatment Standards for the eight enumerated tanneries in Milwaukee, Wisconsin.

Dated: October 23, 1984.

Valdas V. Adamkus,

Regional Administrator, Region V.

[FR Doc. 84-28305 Filed 11-1-84; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2697-2]

Availability of EPA Comments Prepared October 1, 1984 through October 5, 1984 Pursuant to the Environmental Review Process (ERP), Under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act, as Amended

Correction

In FR Doc. 84-27723 beginning on page 41108 in the issue of Friday, October 19, 1984, make the following correction in the middle column of that page: In the seventh line, "ED" should read "EO"

BILLING CODE 1505-01-M

[ER-FRL-2703-6]

Environmental Impact Statements; Notice of Availability

Responsible agency: Office of Federal Activities, General Information (202) 382-5073 ro (202) 382-5075.

Availability of Environmental Impact Statements filed October 22, 1984 Through October 26, 1984 Pursuant to 40 CFR 1506.9

EIS No. 840480, FSuppl, NRC, PA, Three Mile Island, Nuclear Station, Unit 2, Revised Estimates of Occupational Radiation Doses, Approval, Dauphin County, Due: December 3, 1984, Contact: Dr. Ronnie Lo (301) 492-8335.

EIS No. 840481, DSuppl, BLM, OR, Josephine and Jackson-Klamath Sustained Yield Unit, Timber Management Plan, Due: December 21, 1984, Contact: Al Larson (503) 776-3733.

EIS No. 840482, DSuppl, AFS, MT. Flathead National Forest Land and Resource Management Plan, Due: February 15, 1985, Contact: Edgar Brannon (406) 755-5401.

EIS No. 840483, Final, AFS, CO, KS, Pike and San Isabel National Forests/ Comanche and Cimarron National Grasslands Land and Resource Management Plan, Due: December 3, 1984, Contact: Karl Tamalar (303) 545-8737

EIS No. 840484, Draft, AFS, UT, WY, Wasatch-Cache National Forest Land and Resource Management Plan, Due: December 17, 1984, Contact: Neil Hunsaker (801) 524-5030.

EIS No. 840485, Draft, FHW, MI, M-44/East Beltline Avenue Reconstruction, I-96 to Plainfield Avenue, Kent County, Due: December 17, 1984, Contact: Ken Barkeme (517) 377-1851.

EIS No. 840486, Final, BLM, AK, White Mountain National Recreation Area, Resource Management Plan, Due: December 3, 1984, Contact: Michael Green (907) 356-5368.

EIS No. 840487, Final, BLM, AK, Steese National Conservation Area, Resource Management Plan, Due: December 3, 1984, Contact: Michael Green (907) 356-5368.

EIS No. 840488, Draft, OSM, NM, La Plate Mine Operation, Approval/Permit, San Juan Basin, San Juan County, Due: January 4, 1985, Contact: Charles Albrecht (303) 844-5656.

EIS No. 840489, Final, DOE, WY, Thermopolis-Alcove-Casper Transmission Line Construction,

Approval, Hot Springs and Matrone Counties, Due: December 3, 1984, Contact: Bill Melander (303) 224-7231.

EIS No. 840490, Draft, COE, WA, Mount St. Helens, Sediment Control/ Food Reduction Plan, Toutle, Cowlitz and Columbia Rivers, Cowlitz County, Due: December 17, 1984, Contact: David Kurkeski (503) 221-6094.

Amended Notices:

EIS No. 840414, Draft, USN, ATL, VA, Navy Electromagnetic Pulse Radiation Environmental Simulator for Ships (EMPRESS II) Operation, Chesapeake Bay and Atlantic Ocean, Due: December 5, 1984, Published FR—9-21-84, Review extended.

Dated: October 29, 1984.

Allen Hirsch,

Director, Office of Federal Activities.

[FR Doc. 84-28941; Filed 11-1-84; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2708-8]

Intent To Prepare a Draft Environmental Impact Statement (EIS); Blue Plains Wastewater Treatment Plant, DC

AGENCY: Environmental Protection Agency.

ACTION: Notice of Intent to prepare a draft environmental impact statement (DEIS).

SUMMARY: The Environmental Protection Agency will prepare an Environmental Impact Statement (EIS) concerning the proposed Federal funding of sludge incineration facilities for the Blue Plains Wastewater Treatment Plant, located in the District of Columbia. This action is in accordance with requirements of the National Environmental Policy Act, the Clean Water Act Amendments, and implementing EPA regulations.

The EPA will evaluate the environmental effects of constructing and operating the proposed incineration facilities, and compare these with the impacts of other available alternatives. The major issues to be evaluated include air quality impacts, public health concerns, transportation/traffic changes, disposal of sludge residue and aesthetics.

The EIS will evaluate, as a minimum, the sludge management alternatives described in the *Sludge, Solid Waste, Co-Disposal Study* recently completed for the District's Department of Public Works. Two other components of the District's recommended sludge plan, composting facilities at Blue Plains and at Site 2 in Montgomery County, Maryland, will not be specifically addressed by this EIS. However, composting of additional quantities of sludge, at these locations and elsewhere, will be examined during the EIS process as an alternative to incineration.

The public is invited and encouraged to participate in the development of the EIS. An initial public scoping meeting will be held during the early stages of the EIS process. The meeting will be announced in area newspapers. The estimated date when the Draft EIS will be made available to the public is approximately one year.

FOR FURTHER INFORMATION CONTACT: Mr. Tom Slenkamp, Region III, U.S. Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, (215) 597-7817

Dated: October 30, 1984.

Allan Hirsch,

Director, Office of Federal Activities.

[FR Doc. 84-28943 Filed 11-1-84; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2708-7]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared October 15, 1984 through October 19, 1984 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act, as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5075/76. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in the Federal Register dated October 19, 1984 (49 FR 41108).

Draft EISs

ERP No. D-COE-C36054-NJ, Rating L02, Molly Anne's Brook Flood Control Plan, NJ. SUMMARY: EPA requested that dredging operations be restricted to one streambank, to protect vegetation along the other bank. EPA also requested that the FEIS identify detailed mitigation measures to offset losses of wetlands and other special aquatic sites, and that the disposal site for excavated material be identified.

Final EISs

ERP No. F-BLM-K65062-NV, Egan Resource Area, Resource Management Plan, NV. SUMMARY: EPA recommended that the RMP contain a more thorough analysis of water quality impacts caused by grazing activities (including controlled burns), oil/gas/mineral development activities, and appropriate mitigation measures to protect water quality and sensitive biological resources. EPA also recommended that BLM make use of several useful sources of information on water basins, including EPA's STORET data system.

ERP No. F-FHW-F40205-IN, East 96th Street, Reconstruction, Keystone Ave. (IN-431) to I-69, IN. SUMMARY: EPA supports the proposed mitigation of revegetation of the right-of-way with native hardwoods and recomends that this mitigation be committed to in the Record of Decision.

ERP No. F-FHW-K40107-CA, Roseville Bypass/CA-65 Construction, I-80 to CA-65, CA. SUMMARY EPA supports efforts by the local planning agency to update the Air Quality Plan which would also include revised population projections.

ERP No. F-NOA-L64018-AK, Bering Sea/Aleutian Islands King Crab Fishery Management Plan, AK. SUMMARY. EPA made no formal comments. Review of the FEIS was completed and the project was found satisfactory.

ERP No. FB-NOA-L90010-00, Commercial and Recreational Salmon Fisheries, Fishery Management Plan, 1985 Amendment to 1978 Fisheries Management Plan, WA, OR, CA. SUMMARY: EPA made no formal comments. Review of the FEIS was completed and the project was found satisfactory.

Dated: October 30, 1984.

Allan Hirsch,

Director, Office of Federal Activities.

[FR Doc. 84-28942 Filed 11-1-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

Filing and Effective Date of Agreement

The Federal Maritime Commission hereby gives notice, that on October 26, 1984, the following agreement was filed with the Commission pursuant to section 5, Shipping Act of 1984, and was deemed effective that date, to the extent it constitutes an assessment agreement as described in paragraph (d) of section 5, Shipping Act of 1984.

Agreement No.. 201-002631-005.

Title: New Orleans Assessment Agreement.

Parties:

The New Orleans Steamship Association (NOSA).

International Longshoremen's Association AFL-CIO (ILA).

Synopsis: Agreement No. 201–002631–005 amends the basic agreement between the members of NOSA and the ILA, which covers the Guaranteed Annual Income Plan and Declaration of Trust, to reflect a clarification of the powers of the Trustee and to include the correction in the Union's local members.

By Order of the Federal Maritime Commission.

Dated: October 30, 1984.

Francis C. Hurney,

Secretary.

[FR Doc. 84-28949 Filed 11-1-84; 8:45 am]

BILLING CODE 6730-01-M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.. 202–002744–052.

Title: Atlantic and Gulf/West Coast of South America Conference.

Parties:

Compania Chilena de Navigacion Interoceania

Chilean Line

Delta Steamship Lines, Inc.

Flota Mercante Grancolombiana, S.A.

Lineas Navieras Bolivianas, S.A.M.

Lykes Bros. Steamship Co., Inc.

Peruvian State Line

Synopsis: The proposed amendment would delete ports on the Pacific Coast of Colombia from the scope of the agreement. The deletion of this authority is dependent upon the effectiveness of an amendment to Agreement No. 202–007590. The parties have requested a shortened review period.

Agreement No.. 202–007590–037

Title: East Coast Colombia Conference.

Parties:

Coordinated Caribbean Transport, Inc.

Delta Steamship Lines, Inc.

Flota Mercante Grancolombiana, S.A.

Lykes Bros. Steamship Co., Inc.

Synopsis: The proposed amendment would expand the scope of the conference to include ports on the Pacific Coast of Colombia, both northbound and southbound, and would change the conference name to the United States Atlantic and Gulf/Colombia Conference. The parties have requested a shortened review period.

Agreement No.. 224–010665.

Title: Skagway Terminal Agreement.

Parties:

Pacific and Arctic Railway Navigation Company (PARN)

Skagway Terminal Company (Skagway Terminal)

Synopsis: Agreement No. 224–010665 authorizes Skagway Terminal to lease a dock and related marine terminal facilities at Skagway harbor from PARN, while PARN continues to operate another dock and facilities in the same harbor. In addition, the parties will discuss the fixing and establishment of rates and conditions of service and other cooperative working arrangements designed to maximize the efficiency of their facilities. The parties have requested a shortened review period for the agreement.

Agreement No.. 207–010666.

Title: Scandinavian North American Transport Services, AB.

Parties:

Partredarna Foer M/S Falkoen Genom AB Nordsjoefrakt

Gorthons Rederi AB

Scandinavian North American Services AB

Synopsis: The proposed agreement would establish a joint service in the trade between U.S. North Atlantic (Portland, Maine to Hampton Roads, Virginia range) and Canadian Atlantic ports, and inland points via such ports, and ports in Sweden, Denmark, Finland and Norway and inland points via such ports. The parties have requested a shortened review period.

Dated: October 30, 1984.

By order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 84-28334 Filed 11-1-84; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Allied Bankshares, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than November 23, 1984.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Allied Bankshares, Inc.*, Thomson, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Thomson, Thomson, Georgia.

B. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *American Bancorp, Inc.*, Suring, Wisconsin; to become a bank holding company by acquiring 100 percent of the voting shares of the Suring State Bank, Suring, Wisconsin, and the First National Bank of Oconto, Oconto, Wisconsin.

2. *Premier Bancorp, Inc.*, Farmer City, Illinois; to acquire 48.6 percent of the voting shares of Farmers-Merchants National Bank of Paxton, Paxton, Illinois.

Board of Governors of the Federal Reserve System, October 29, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-28329 Filed 11-1-84; 8:45 am]

BILLING CODE 6210-01-M

Hawkeye Bancorp., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies and Acquisitions of Nonbanking Companies

The companies listed in this notice have applied under § 225.14 of the

Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed companies have also applied under § 225.23(a)(2) of Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The applications are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 21, 1984.

A. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice Preisent) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Hawkeye Bancorporation,* Des Moines, Iowa; to acquire 100 percent of the voting shares of United Central Bancshares, Des Moines; United Central Bank of Des Moines, N.A., Des Moines; United Central Bank & Trust Company of Algona, Algona; United Central Bank of Cresco, N.A., Cresco; United Central Bank & Trust Compnay of Estherville, Estherville; United Central Bank & Trust Co. of Fort Dodge, Fort Dodge; United Central Bank & Trust Company of Greenfield, Greenfield; United Central Bank & Trust Company of Kalona, Kalona; United Central Bank & Trust Co. of Marengo, Marengo; United Central Bank & Trust Company of Mason City, Mason City; United Central Bank & Trust Co. of Sigourney; Sigourney; United Central Bank & Trust Co. of Sioux City, Sioux City; United Central Bank of Spencer, N.A., Spencer; and Plaza State Bank, Urbandale, Iowa.

Hawkeye Bancorporation also proposes to acquire UCB Leasing Corporation, which presently engages solely in leasing personal property and management consulting advice to bank holding companies and nonaffiliated banks. Additionally, Hawkeye Bancorporation proposes to acquire UCB Systems, Inc., which presently engages in data processing services.

B. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *CSB Bancshares, Inc.,* Mohall, North Dakota; to become a bank holding company by acquiring 100 pecent of the voting shares of Citizens State Bank at Mohall, Mohall, North Dakota.

CSB Bancshares, Inc., also proposes to acquire the assets and liabilities of the insurance agency division of Citizens State Bank at Mohall, Mohall, North Dakota, thereby engaging in general insurance agency activities in a community with a population not exceeding 5,000. These activities would be performed in portions of Renville and Bottineau Counties in the State of North Dakota.

2. *Citizens State Bank at Mohall Employee Stock Ownership Plan,* Mohall, North Dakota; to become a bank holding company by acquiring 33.5 percent of the voting shares of CSB Bancshares, Inc., Mohall, North Dakota, thereby indirectly acquiring the Citizens State Bank at Mohall, Mohall, North Dakota.

Citizens State Bank at Mohall Employee Stock Ownership Plan, will also indirectly acquire the insurance agency division of Citizens State Bank at Mohall, thereby engaging in general insurance agency activities in a community with a population not exceeding 5,000. These activities would be performed in portions of Renville and Bottineau Counties in the State of North Dakota.

Board of Governors of the Federal Reserve System, October 29, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-28860 Filed 11-1-84; 8:45 am]

BILLING CODE 6210-01-M

Security Pacific Corp., Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23 (a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulaiton Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in effeciency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 26, 1984.

A. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Security Pacific Corporation,* Los Angeles, California; to acquire RMJ Securities Corp., New York, New York, thereby engaging in the activity of

providing brokerage services to U.S. Government securities dealers, provided that such services will be restricted to buying and selling solely as agent for the account of customers.

Board of Governors of the Federal Reserve System, October 29, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-28881 Filed 11-1-84; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Senior Executive Service; Performance Review Board Membership

ACTION: Listing of members of this Department's Senior Executive Service Performance Review Boards.

DATE: Performance Review Boards effective October 22, 1984.

FOR FURTHER INFORMATION CONTACT: Merle G. Forney, 202-427-2753.

Title 5, U.S.C. 4314(c)(4) of the Civil Service Reform Act of 1978, Pub. L. 95-454, requires that the appointment of Performance Review Board members be published in the Federal Register.

The following persons will serve on the Performance Review Boards or Panels which oversee the evaluation of performance appraisals of Senior Executive Service members of the Department of Health and Human Services:

Federal Performance Review Board Members

Adamson, Richard H.
Allen, Clifford
Archer, Loran D.
Aspden, Jr., William H.
Baldwin, Jr., Calvin B.
Bayo, Francisco R.
Becker, Edwin D.
Bersano, Peter J.
Bick, Katherine L.
Bloom, James D.
Boutwell, Jr., Joseph H.
Boyd, Gerald L.
Bryant, Everett F.
Burgess, Ian K.
Carter, Charles E.
Chabner, Bruce
Chen, Jr., Philip S.
Cobb, Winston M.
Crawford, Lester M.
Crivella, Bartholomew J.
Crooks, Glenna M.
Davis, Rhoda M. G.
Decker, John L.
Desmarais, Henry R.
Douglass, Carl D.
Dowdle, Walter R.
Dukes, David V.
Dunst, Isabel P.
Durell, Jack
Eberhart, John C.
Elder, Jean K.
Essien, Joyce, D. K.
Finkel, Marion J.
Fisher, Gail F.
Fleming, Bartlett S.
Fretts, Carl A.
Gagel, Barbara J.
Goldstein, Murray F.
Goodwin, Frederick K.
Goyer, Robert A.
Grant, R. Alexander
Green, Jerome C.
Greulich, Richard C.
Haglund, Elizabeth J.
Handelsman, M. Gene
Hardy, Jr., George E.
Harris, Elliott S.
Held, Joe R.
Israel, Robert A.
Jeffers, James S.
Jurand, Julian
Kappert, Martin L.
Kelso, John H.
King, Roland E.
Kinlow, Eugene
Kinoshita, Jin H.
Kipin, Irwin J.
Koplan, Jeffrey P
Kusserow, Richard P.
LaMotte, Jr., Louis C.
Lenfant, Claude J.
Leone, Joseph R.
Levine, Arthur S.
Lipsett, Mortimer B.
Loe, Harald A.
Majka, Felix J.
Malone, Thomas E.
Mansfield, Norman D.
McFee, Thomas S.
McManus, Edward H.
Meyer, Gerald F.
Millstein, Richard A.
Mings, Donald N.
Moskowitz, Jay
Mottola, Joseph A.
Muldoon, Jr., William E.
Nightingale, Stuart L.
Novitch, A. Mark
Nylen, Marie U.
Orloff, Jack
O'Shaughnessy, John J.
Pickett, Betty H.
Ponquinette, Julie C.
Pratt, Arnold W.
Rabson, Alan S.
Rall, David P.
Rall, Joseph E.
Raub, William F.
Regier, Darrel A.
Rhee, Youn B.
Rhoades, Everett R.
Riseberg, Richard J.
Ross, Jo Anne B.
Roth, Jesse
Scarlett, Thomas
Sell, Kenneth W.
Seubold, Frank H.
Sherman, Gordon M.
Simpson, Jr., Clay E.
Sopper, Dale W.
Sullivan, Frank J.
Trachtenberg, Robert L.
Turner, Samuel D.
Tyson, Patti Birge
Villforth, John C.
Wallace, Craig K.
Walsh, James A.
Walton, Carol J.
Wamsley, Barbara S.
Watson, Jr., William C.
Wetherell, Jr., Robert C.
Williams, T. Franklin
Williams, Will L.

Dated: October 30, 1984.

Thomas S. McFee,

Assistant Secretary for Personnel Administration.

[FR Doc. 84-28306 Filed 11-1-84; 8:45 am]

BILLING CODE 4150-01-M

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on October 26.

Public Health Service

National Institutes of Health

Subject: Smoker Compensation and Cigarette Smoke Yield—New
Respondents: Individuals

Centers for Disease Control

Subject: Regulation—Mine Safety and Health Administration 30 CFR II Respiratory Protection Devices—Extension (0920-0109)
Respondents: Businesses
Subject: Regulation—42 CFR 37.204 National Coal Workers' Autopsy Program—Revision (0920-0021)
Respondents: Individuals
OMB Desk Officer: Fay S. Iudicello

Food and Drug Administration

Subject: Tamper-resistant Packaging Requirements for Contact Lens Solutions and Tablets—Revision (0910-0150)
Respondents: Individuals and Businesses

OMB Desk Officer: Bruce Artim

Health Care Financing Administration

Subject: Quarterly Medicaid Statement of Expenditures for the Medical Assistance Program, HCFA–64—Revision (0938–0067)
Respondents: Medicaid State Agencies
Subject: Revision to the Medicaid State Plan Preprint for Early and Periodic Screening Diagnosis and Treatment Program HCFA–179—Revision (0938–0193)
Respondents: States
Subject: Health Facility Licensure and Certification Directors Survey and Questionnaire, HCFA–466—New
Respondents: State Health Facility Certification Organizations
Subject: Preclearance: Noncertified Hospice Cost Analysis, HCFA–461—New Collection
Respondents: Noncertified Hospices
OMB Desk Officer: Fay S. Iudicello

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202–245–6511.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503; Attn: (name of OMB Desk Officer).

Dated: October 29, 1984.

Wallace O. Keene,

Acting Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 84–28874 Filed 11–1–84; 8:45 am]
BILLING CODE 4150–04–M

Health Resources and Services Administration

Application Announcement for Cooperative Agreements for Area Health Education Center Programs

The Bureau of Health Professions, Health Resources and Services Administration, announces that applications for Fiscal Year 1985 Cooperative Agreements for Area Health Education Center (AHEC) Programs under the authority of section 781(a)(1) of the Public Health Service Act are being accepted, and invites comments on the proposed funding preference as set forth below.

Section 781(a)(1) authorizes Federal assistance to medical and osteopathic schools which have cooperative arrangements with one or more public or nonprofit private area health education centers for the planning, development and operation of area health education center programs. New applications submitted under this authority will be accepted from medical and osteopathic schools for the purpose of planning, developing and operating new area health education center programs. Applicants may request up to three years of support with the expectation that centers planned and developed in years one and two would be operational no later than the third year.

To be eligible to receive support for an area health education center cooperative agreement, the applicant must be a public or nonprofit private accredited school of medicine or osteopathy, or consortium of such schools, or the parent institution on behalf of such school(s).

To receive support, programs must meet the requirements of the applicable regulations, 42 CFR Part 97, Subpart MM, published in the Federal Register on February 22, 1983, (48 FR 7443).

An estimated $8,020,000 will be available for competing awards under a continuing resolution for Fiscal Year 1985. Enactment of legislation extending the AHEC Program has not been completed, therefore, programmatic changes may be necessary at a later date. Should such changes be necessary, all applicants will be notified.

Requests for application materials and questions regarding grants policy should be directed to: Grants Management Officer (U–76), Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, Room 8C–22, Rockville, Maryland 20857, Telephone: (301) 443–6857

Questions regarding programmatic information should be directed to: Division of Medicine, Area Health Education Center Branch, Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, Room 4C–05, Rockville, Maryland 20857, Telephone: (301) 443–6950.

The application deadline date is December 14, 1984. Applications will be considered as meeting the deadline if they are either: (1) *received* on or before the deadline date, or (2) *postmarked* on or before the deadline and received in time for submission to the independent review group. A legibly dated receipt from a commercial carrier or the U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks will not be accepted as proof of timely mailing.

This program is listed at 13.824 in the *Catalog of Federal Domestic Assistance.* Applications submitted in response to this announcement are not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs, or 45 CFR Part 100. *Proposed Funding Preference*

In making awards for Fiscal Year 1985, a funding preference is proposed as follows:

(1) Competing continuation applications;

(2) Planning and development projects under Section 781(a)(1) and

(3) Supplements to existing awards.

The reasons for the proposed funding preference are to assure the continuation of approved programs which are having a positive impact on the education and distribution of primary health care professionals, to establish new area health education centers in areas now not served by a center, and to provide increased support to existing centers which need additional funds.

Interested persons are invited to submit written comments regarding this funding preference to Director, Division of Medicine, Bureau of Health Professions at the address given below.

All comments received not later than December 3, 1984 will be considered before a final funding preference for Fiscal Year 1985 is established.

Normally, the comment period would be 60 days. However, due to the need to implement any changes in the funding preference for the Fiscal Year 1985 award cycle, this comment period has been reduced to 30 days. After the close of the comment period, the final funding preference will be published as a notice in the Federal Register.

Written comments should be addressed to: Director, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 4C–25, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443–6190.

All comments received will be available for public inspection and copying at the above address weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5:00 p.m.

Dated: October 29, 1984.

John H. Kelso,

Acting Administrator.

[FR Doc. 84–28873 Filed 11–1–84; 8:45 am]
BILLING CODE 4160–16–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Marine Mammal Annual Report Availability

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability of calendar year 1983 Marine Mammal Annual Report.

SUMMARY: The U.S. Fish and Wildlife Service's Associate Director—Wildlife Resources, on June 8, 1984, signed the annual report on the Service's administration of the marine mammals under its jurisdiction, as required by section 103(f) of the Marine Mammal Protection Act of 1972. The report covers the period January 1, 1983, to December 31, 1983, and was submitted to the Congress on October 17, 1984. By this notice, the public is informed that the report is available and that any interested individual may secure a single copy by written request to the Service.

ADDRESS: Written requests for copies should be addressed to: Publications Unit, U.S. Fish and Wildlife Service, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. LeRoy W. Sowl, Chief, Division of Wildlife Management, U.S. Fish and Wildlife Service, Mail Code 355, Department of the Interior, Washington, D.C. 20240, 202/632-2202.

SUPPLEMENTARY INFORMATION: The U.S. Fish and Wildlife Service is responsible for eight species of marine mammals under the jurisdiction of the Department of the Interior, as assigned by the Marine Mammal Protection Act of 1972 (MMPA). These species are polar bears, sea and marine otters, walruses, manatees (three species) and dugongs. The report reviews the Service's marine mammal-related activities during the report period. Administrative actions discussed include MMPA appropriations, marine mammals in Alaska, endangered and threatened marine mammal species (specifically the West Indian manatee and the sea otter in California), law enforcement activities, scientific research and public display permits, certificates of registration, research, Outer Continental Shelf environmental studies and international activities.

This notice was prepared by Jeffrey L. Horwath, Wildlife Biologist, Division of Wildlife Management, Branch of Wildlife Assistance, 202/632-2202.

Dated: October 25, 1984.

Walter R. McAllester,

Acting Associate Director, Fish and Wildlife Service.

[FR Doc. 84-28924 Filed 11-1-84; 8:45 am]

BILLING CODE 4310-55-M

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Service's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Service clearance officer and the OMB Interior Desk Officer, Washington, D.C. 20503, telephone 202-395-7313.

Title: Notice of Transfer or Sale of Migratory Waterfowl

Abstract: This information is needed to enable the Service to monitor commerce in captive-reared migratory waterfowl (excluding mallard ducks) and to provide necessary protection to wild populations.

Service Form Number: 3-186

Frequency: Monthly

Description of Respondents: Individuals and businesses

Annual Responses: 20,000

Annual Burden Hours: 1,600

Service Clearance Officer: Arthur J. Ferguson, 202-653-7499

Dated: October 9, 1984.

Ronald E. Lamberston,

Associate Director, Wildlife Resources.

[FR Doc. 84-28884 Filed 11-2-84; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Land Management

[Coal Lease Applications ES 28564, ES 30862, ES 32949]

Tuscaloosa County, AL; Coal Lease Applications and Public Hearing

AGENCY: Bureau of Land Management, Interior.

ACTION: Amendment to Public Hearing Notice on Coal Lease Applications.

SUMMARY: The Notice of Public Hearing and Availability of Environmental Assessment published on October 23, 1984 is hereby amended to include the following information.

Coal lease applications ES 28564, ES-30862 and ES 32949 were received under the emergency leasing regulation 43 CFR 3425.1-4.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Coalgate, Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304, (703) 274-0149.

Pieter J. VanZanden,

Acting State Director.

[FR Doc. 84-28904 Filed 11-1-84; 8:45 am]

BILLING CODE 4310-GJ-M

White Mountains National Recreation Area, Alaska; Availability of Final Environmental Impact Statement and Proposed Resource Management Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Notice that the Final Environmental Impact Statement and Proposed Resource Management Plan for the White Mountains National Recreation Area, Alaska, is available for review and comment.

SUMMARY: The Final Environmental Impact Statement (FEIS) presents a range of resource management alternatives and the consequences of implementing each alternative. The Proposed Resource Management Plan (PRMP) presents land use allocation and prescription management actions for the subject lands.

EFFECTIVE DATE: Date of publication; comments or protests must be submitted on or before 30 days from date of publication.

ADDRESSES: The FEIS/PRMP and associated background material are available at: Fairbanks District Office, Bureau of Land Management, North Post, Ft. Wainwright, P.O. Box 1150, Fairbanks, Alaska 99707.

Comments may be submitted to the above Fairbanks District Office address.

Any person or group who participate in the planning process and has an interest which is or may be adversely affected by the approval of the FEIS/PRMP may protest this action to: Director, Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mike Green, Yukon Resource Area, Bureau of Land Management, P.O. Box 1150, Fairbanks, Alaska 99707.

SUPPLEMENTARY INFORMATION: The PRMP will guide future management actions on public lands within the White

Mountains National Recreation Area, northeast of Fairbanks, Alaska. BLM manages nearly all of the approximately one million acres within the unit.

The PRMP will be a comprehensive land use plan. The planning process included identifying significant issues, establishing planning criteria, assessing resource capability, formulating reasonable alternatives to address the issue and publishing a draft EIS/RMP in January, 1984. Alternatives range from favoring resource protection to favoring resource use. The consequences of implementing each alternative are presented in the FEIS. Resource Management Plans are authorized by the Federal Land Management Policy Act of 1976. Standards, guidelines, and procedures for RMP preparation are contained in 43 CFR Part 1600.

An interdisciplinary team was used to develop the PRMP Disciplines included were wildlife biology, soil conservation, socioeconomics, fire management, geology, recreation management, hydrology, fishery biology, realty, and archaeology. Major issues addressed in the PRMP are recreation, mining, access, subsistence use, wildlife habitat, and Beaver Creek National Wild River.

Fred Wolf,

Acting State Director.

[FR Doc. 84-28915 Filed 11-1-84; 8:45 am]

BILLING CODE 4310-JA-M

Steese National Conservation Area, Alaska; Availability of Final Environmental Impact Statement and Proposed Resource Management Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Notice that the Final Environmental Impact Statement and Proposed Resource Management Plan for the Steese National Conservation Area, Alaska, is available for review and comment.

SUMMARY: The Final Environmental Impact Statement (FEIS) presents a range of resource management alternatives and the consequences of implementing each alternative. The Proposed Resource Management Plan (PRMP) presents land use allocation and prescription management actions for the subject lands.

EFFECTIVE DATE: Date of publication; comments or protests must be submitted on or before 30 days from date of publication.

ADDRESSES: The FEIS/PRMP and associated background material are available at: Fairbanks District Office, Bureau of Land Management, North Post, Ft. Wainwright, P.O. Box 1150, Fairbanks, Alaska 99707

Comments may be submitted to the above Fairbanks District Office address.

Any person or group who participate in the planning process and has an interest which is or may be adversely affected by the approval of the FEIS/PRMP may protest this action to: Director, Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mike Green, Yukon Resource Area, Bureau of Land Management, P.O. Box 1150, Fairbanks, Alaska 99707

SUPPLEMENTARY INFORMATION: The PRMP will guide future management actions on public lands within the White Mountains National Recreation Area, northeast of Fairbanks, Alaska. BLM manages nearly all of the approximately one million acres within the unit.

The PRMP will be a comprehensive land use plan. The planning process included identifying significant issues, establishing planning criteria, assessing resource capability, formulating reasonable alternatives to address the issue and publishing a draft EIS/RMP in January, 1984. Alternatives range from favoring resource protection to favoring resource use. The consequences of implementing each alternative are presented in the FEIS. Resource Management Plans are authorized by the Federal Land Management Policy Act of 1976. Standards, guidelines, and procedures for RMP preparation are contained in 43 CFR Part 1600.

An interdisciplinary team was used to develop the PRMP Disciplines included were wildlife biology, soil conservation, socioeconomics, fire management, geology, recreation management, hydrology, fishery biology, realty, and archaeology. Major issues addressed in the PRMP are recreation, mining, access, subsistence use, wildlife habitat, and Beaver Creek National Wild River.

Fred Wolf,

Acting State Director.

[FR Doc. 84-28914 Filed 11-1-84; 8:45 am]

BILLING CODE 4310-JA-M

[Coal Lease Application ES 31464]

Leslie County, KY; Environmental Assessment and Public Hearing

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public hearing and availability of environmental assessment.

SUMMARY: The Department of the Interior, Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304, hereby gives notice that a public hearing will be held on December 3, 1984, at 10:00 a.m. in the Public Room, Eastern States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304. Application has been made to the United States under the emergency coal leasing regulation, 43 CFR 3425.1-4, that it offer for lease certain coal resources in the public lands hereinafter described. The purpose of the hearing is to obtain public comments on the Environmental Assessment prepared and on the following items:

1. The method of mining to be employed to obtain maximum economic recovery of the coal;

2. The impact that mining the coal in the proposed leasehold may have on the area including but not limited to impacts on the environment; and

3. Methods of determining the fair market value of the coal to be offered.

Written requests to testify orally at the December 3, 1984, public hearing should be received at the Eastern States Office, Bureau of Land Management, address set out above, prior to the close of business at 4:00 p.m., on November 30, 1984. People who indicate they wish to testify when they check in at the hearing room may have an opportunity to testify if time is available after the listed witnesses have been heard.

Both oral and written comments will be received at the public hearings, but speakers will be limited to a maximum of 10 minutes each depending on the number of persons desiring to comment. The time limitation will be strictly enforced, but the complete text of prepared speeches may be filed with the presiding officer at the hearing, whether or not the speaker has been able to finish oral delivery in the allotted minutes. Written comments may also be submitted to the Eastern States Office at the above address, prior to close of business on November 30, 1984.

Substantive comments, whether written or oral, will receive equal consideration prior to any lease offering.

In addition, the public is invited to submit written comments concerning the fair market value of the coal resource to the Bureau of Land Management. Public comments will be utilized in establishing fair market value for the coal resources in the described lands.

Comments should address specific factors related to fair market value, including, but not limited to: The quantity and quality of the coal resources, the price that the mined coal would bring in the market place, the cost

of producing the coal, the probable timing and rate of production, the interest rate at which anticipated income streams would be discounted, depreciation and other accounting factors, the expected rate of industry return, the value of the surface estate (if private surface), and the mining method or methods which would achieve maximum economic recovery of the coal. Documentation of similar market transactions, including location, terms and conditions, may also be submitted at this time.

These comments will be considered in the final determination of fair market value as determined in accordance with 30 CFR 211.63 and 43 CFR 3422.12. Should any information submitted as comments be considered to be proprietary by the commentor, the information should be labeled as such and stated in the first page of the submission. Comments should be sent to the State Director, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304.

Application ES 31464, 831 Acres (Bear Branch Tract)

The coal resource to be offered is to be mined underground from the Hazard Number Four (Fireclay) seam which is located in the Redbird Ranger District, Daniel Boone National Forest, part of Tract 3094Bs south of U.S. Highway 421, Leslie County, Kentucky. The complete metes and bounds description is available at the Eastern States Office at the address set out above.

The Environmental Assessment will be available for review in the Jackson District Office, Jackson, Mississippi, or in the Eastern States Office, Bureau of Land Management, at the above address. Single copies are available for distribution upon request from the Alexandria Office.

A copy of the Environmental Assessment, the case file and the comments by the public on fair market value, except those stated in the Freedom of Information Act, will be available for public inspection at the Eastern States Office, Bureau of Land Management, at the address set out above.

We have found that the range of quality of the Hazard No. 4 coal bed (after washing) within the Bear Branch tract is as follows:

1. Moisture: 2.8–11.0 percent
2. Ash: 4.5–9.8 percent
3. Sulfur: 0.7–1.2 percent
4. Btu/lb.: 13,000–14,400
5. Approx. tons in place: 4,460,000

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Coalgate, Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304, (703) 274–0149.

Pieter J. VanZanden,
Acting State Director.

[FR Doc. 84-28303 Filed 11-1-84; 8:45 am]
BILLING CODE 4310-GJ-M

Burley District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting and agenda for Burley District Grazing Advisory Board.

SUMMARY: Notice is given that the Burley District Grazing Advisory Board will meet on December 11, 1984.

The meeting will convene at 9:30 a.m. in the Conference Room of the Bureau of Land Management Office at 200 South Oakley Highway, Burley, Idaho.

Agenda items for the meeting will include: (1) Project Maintenance Decisions; (2) Range improvement funds for fiscal year 1985; (3) Allotment Management Plan review; (4) Dissemination of information to permittees; (5) Items of information; (a) status of grazing fee report, (b) status of Cassia Resource Management Plan/ Rangeland Program Summary.

The meeting is open to the public. Interested persons may make oral statements to the Board beginning at 1:30 p.m. or they may file written statements for the Board's consideration. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Detailed minutes of the Board meeting will be maintained in the District Office and will be available for public inspection during regular business hours (7:45 a.m. to 4:30 p.m. Monday through Friday) within 30 days following the meeting.

DATE: December 11, 1984.

ADDRESS: Bureau of Land Management, Burley District Office, Route 3, Box 1, Burley, Idaho 83318.

FOR FURTHER INFORMATION CONTACT: John Davis, Burley District Manager, (208) 678–5514.

John S. Davis,
District Manager.

October 23, 1984.

[FR Doc. 84-28305 Filed 11-1-84; 8:45 am]
BILLING CODE 4310-GG-M

Yuma, AZ District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Yuma (Arizona) District Advisory Council Meeting.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94–579 and 43 CFR Part 1780, that a meeting of the Yuma District Advisory Council will be held Friday, November 30, 1984, at 9:00 a.m. in the west wing of the Yuma Civic and Convention Center, Yuma, Arizona.

The agenda for the District Advisory Council meeting includes:

1. Resource Management Plan (RMP)—review draft RMP/EIS and the proposed alternative.
2. Wild burro program.
3. Rangers—Memorandum of Understanding (MOU) with California.
4. District Manager's update.
5. Business from the floor.

The meeting is open to the public. Interested persons may make oral statements to the Council on November 30 or may file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager at the above address by November 29. Depending on the number of persons wishing to address the Council, a per person time limit may be considered.

Summary minutes of the District Advisory Council meeting will be maintained in the Yuma District Office and will be available for inspection and reproduction during regular business hours (7:45 a.m.–4:30 p.m.) within 30 days of the meeting.

Dated: October 24, 1984.

J. Darwin Snell,
District Manager.

[FR Doc. 84-28277 Filed 11-1-84; 8:45 am]
BILLING CODE 4310-32-M

[M-60958]

Realty Action; Exchange of Public and Private Land; Carter County, MT

AGENCY: Bureau of Land Management, Miles City District Office, Interior.

ACTION: Notice of realty action M-60958, exchange of public and private lands in Carter County, Montana.

SUMMARY: The following described lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Principal Meridian, Montana

T. 5 S., R. 57 E.,
Sec. 6: SE¼SW¼;
Sec. 7: NE¼NW¼;
Sec. 21: SE¼SW¼;
Sec. 28: SW¼NE¼.
T. 5 S., R. 58 E.,
Sec. 21: SE¼SE¼;
Sec. 22: SE¼NE¼, SE¼NW¼, NE¼SW¼;
Sec. 27: E½NW¼, N½NE¼SW¼;
Sec. 28: NE¼NW¼;
Sec. 29: NE¼NE¼.

Aggregating 500.0 acres.

In exchange for these lands, the United States Government will acquire the surface estate in the following described lands:

Principal Meridian, Montana

T. 5 S., R. 57 E.,
Sec. 3: Lot 4;
Sec. 4: Lot 1, SE¼NE¼, SE¼SE¼;
Sec. 7: SE¼NE¼, SE¼SW¼, N½SE¼, SW¼SE¼;
Sec. 8: W½NE¼, S½NW¼, NW¼SW¼.

Aggregating 558.42 acres.

DATES: For a period of 45 days from the date of publication of this notice in the Federal Register, interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 940, Miles City, Montana 59301.

Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of this department.

FOR FURTHER INFORMATION CONTACT: Information related to this exchange, including the environmental assessment and land report, is available for review at the Powder River Resource Area Office, Miles City Plaza, Miles City, Montana 59301.

SUPPLEMENTARY INFORMATION: The purpose of this exchange is to provide management enhancement by blocking up both public and private lands within Richard Owen's grazing allotment and ranch lands.

The exchange is consistent with the Bureau's planning for the lands involved and has been discussed with state and county officials. Carter County Commissioners were consulted on June 13, 1984, and concurred there is no need for a public meeting to be held. The public interest will be served by making the exchange. The publication of this notice segregates the public lands described above from appropriation under the public land laws, including the mining laws, but not from exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976.

The exchange will be made subject to:

1. A reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States in accordance with 43 U.S.C. 945, for lands being transferred out of federal ownership.

2. The reservation to the United States of mineral interest in the lands being transferred out of federal ownership.

3. All valid existing rights (e.g. rights-of-way, easements, and leases of record).

4. Value equalization by cash payment or acreage adjustment.

5. The exchange must meet the requirements of 43 CFR 4110.4–2(b).

Dated: October 25, 1984.

Bruce G. Whitmansh,

Acting District Manager.

[FR Doc. 84–28940 Filed 11–1–84; 8:45 am]

BILLING CODE 4310-DN-M

Order Providing for Opening of Lands; Nevada

The following described lands were reconveyed to the United States and title accepted on August 22, 1977 (N–16385), March 3, 1978 (N–12906), December 31, 1964 (corrected on July 20, 1965) (Nev–062283), and June 29, 1943 (CC–021027), respectively.

Mount Diablo Meridian

(N–16385)

T. 30 N., R. 57 E.,
Sec. 4, NW¼SE¼;
Sec. 9, NE¼NE¼, NW¼NW¼, SE¼NW¼, NW¼SW¼;
Sec. 10, SW¼NW¼.

(N–12906)

T. 35 N., R. 60 E.,
Sec. 1, Lots, 1–4 (inclusive), S½N½, S½;
Sec. 3, Lots 1–7 (inclusive), SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 11, Lots 1–4 (inclusive), E½, E½W½;
Sec. 13;
Sec. 15, Lots 1–5 (inclusive), W½, NW¼SE¼;
Sec. 23, Lots 1–7 (inclusive), S½NE¼, SE¼NW¼, SW¼, N½SE¼.

(Nev–062283)

T. 34 N., R. 61 E.,
Sec. 17;
Sec. 19 Lots 1–4 (inclusive), E½ E½W½;
Sec. 21.

(CC–021027)

T. 34 N., R. 63 E.,
Sec. 16, S½SW¼;
Sec. 21, N½SE¼.

The areas described aggregate approximately 6,302.96 acres in Elko County, Nevada. All the lands except those in T. 34 N., R. 63 E. are located within the boundaries of the Humboldt National Forest.

The minerals in the lands described in T. 30 N., R. 57 E. and T. 35 N., R. 60 E. are in private ownership. The minerals in the lands described in T. 34 N., R. 61 E. and T. 34 N., R. 63 E. were reconveyed to the United States.

At 9:00 a.m. on December 3, 1984, all the land described except that in T. 34 N., R. 63 E. will be open to such forms of disposition as may by law be made of national forest land.

At 9:00 a.m. on December 3, 1984, the land described in T. 34 N., R. 63 E. will be open to the operation of the public land laws, subject to valid existing rights and the requirements of applicable laws. All valid applications received from the date of this publication unit 9:00 a.m. on December 1984, will be considered as simultaneously filed. Those received thereafter shall be considered in the order of filing.

At 9:00 a.m. on December 3, 1984, the lands described in T. 34 N., R. 61 E. and T. 34 N., R. 63 E. will be open to location and entry under the United States mining laws and to applications and offers under the mineral leasing laws.

Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Inquiries concerning the forest lands should be addressed to Forest Supervisor, Humboldt National Forest, 976 Mountain City Highway, Elko, Nevada 89801.

Inquiries concerning the public lands should be addressed to District Manager, Bureau of Land Management, 2002 Idaho Street, Elko, Nevada 89801.

William J. Malencik,

Deputy State Director, Operations.

[FR Doc. 84–28869 Filed 11–1–84; 8:45 am]

BILLING CODE 4310-HC-M

Minerals Management Service

Development Operations Coordination Document; Total Petroleum, Inc.

AGENCY: Minerals Management Service, Interior

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Total Petroleum, Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 4907, Block 57, Main Pass Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Venice, Louisiana.

DATE: The subject DOCD was deemed submitted on October 25, 1984. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the DOCD from the Minerals Management Service.

ADDRESS: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, *Attention OCS Plans,* Post Office Box 44396, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Ms. Angie Gobert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: October 25, 1984.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 84-28033 Filed 11-1-84; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-83 (Sub-6)]

Maine Central Railroad Co.; Abandonment Exemption in Lewiston, ME

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the Maine Central Railroad Company from the requirements of prior approval under 49 U.S.C. 10903 *et. seq.*, regarding the proposed abandonment of a 0.55-mile rail line in Lewiston, ME, subject to the standard employee protective conditions.

DATES: This exemption will be effective on Decembr 3, 1984. Petitions to stay must be filed by November 13, 1984, and petitions for reconsideration must be filed by November 23, 1984.

ADDRESSES: Send pleadings referring to Docket No. AB–83 (Sub-No. 6) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's Representative: Stephen H. Shook, 242 St. John Street, Portland, ME 04102,

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (DC Metropolitan area) or toll-free (800)–424–5403.

Decided: October 18, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett, Gradison, Simmons, Lamboley and Stremo. Commissioner Lamboley concurred in the result with a separate expression.

James H. Bayne,

Secretary.

[FR Doc. 84-28030 Filed 11-1-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB–19 (Sub-87X)]

The Baltimore and Ohio Railroad Co.; Abandonment Exemption in Summit and Cuyahoga Counties, OH

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the Baltimore and Ohio Railroad Company from the requirements of 49 U.S.C. 10303 *et. seq.*, in connection with the abandonment of 26.02 miles of rail line in Summit and Cuyahoga Counties, OH, subject to employee protective conditions.

DATES: This exemption will be effective on December 3, 1984. Petitions for reconsideration must be filed by November 23, 1984. Petitions for stay must be filed by November 13, 1984.

ADDRESSES: Send pleadings referring to Docket No. AB–19 (Sub-No. 87X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's Representative: Rene J. Gunning, Suite 2204, 100 N. Charles Street, Baltimore, OH 21201

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (DC Metropolitan area) or toll-free (800) 424–5043.

Decided: October 23, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett, Gradison, Simmons, Lamboley and Stremo. Commissioner Lamboley commented with a separate expression.

James H. Bayne,

Secretary.

[FR Doc. 84-28002 Filed 11-1-84; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 388 (Sub-23)]

Intrastate Rail Rate Authority; New York

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision.

SUMMARY: The Commission grants final certification to the New York Department of Transportation under 49 U.S.C. 11501(b) to regulate intrastate rail transportation, subject to a condition precedent that it modify its standards and procedures as noted in the full decision.

DATE: If the necessary changes are made, certification will begin December 3, 1984, provided that within that period the New York Department of Transportation notifies the Commission that it has made or will make the required modifications.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchae a copy of the full decision, write T.S. InfoSystems, Inc. Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (D.C. Metropolitan area) or toll free (800) 424-5403.

Decided: October 26, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett, Gradison, Simmons, Lamboley and Stremo.

James H. Bayne,

Secretary.

[FR Doc. 84-28901 Filed 11-1-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-33 (Sub-25X)]

Union Pacific Railroad Co., Abandonment Exemption in Howard and Sherman Counties, NE

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of 49 U.S.C. 10903, *et seq.*, the abandonment by Union Pacific Railroad Company of its Loup City branch between milepost 0.20 near St. Paul and milepost 39.60 near Loup City, a distance of 39.40 miles in Howard and Sherman Counties, NE, subject to labor conditions.

DATE: This exemption is effective December 3, 1984. Petitions to stay must be filed by November 13, 1984, and petitions for reconsideration must be filed by November 23, 1984.

ADDRESSES: Send pleadings referring to Docket No. AB-33 (Sub-No. 25X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Joseph D. Anthofer, Union Pacific Railroad Company, 1416 Dodge Street, Omaha, NE

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: October 18, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commsioners Sterrett, Gradison, Simmons, Lamboley, and Stremo. Commissioner Lamboley concurred in the result with a separate expression.

James H. Bayne,

Secretary.

[FR Doc. 84-28900 Filed 11-1-84; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; American Manufacturing Co., et al.

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period October 22, 1984-October 25, 1984.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-15,371; American Manufacturing Co., Honesdale, PA

Affirmative Determinations

TA-W-15,342; Sandy Mac Food Co., Pennsauken, NJ

A certification was issued covering all workers separated on or after September 1, 1983.

TA-W-15,420; Willapa Bay Fisheries, South Bend, WA

A certification was issued covering all workers separated on or after March 1, 1984 and before August 1, 1984.

I hereby certify that the aforementioned determinations were issued during the period October 22, 1984-October 25, 1984. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor, 601 D Street NW., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: October 30, 1984.

Glenn M. Zech,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 84-28944 Filed 11-1-84; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-15,387]

Pfaudler Co., Elyria, OH; Revised Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273), on October 1, 1984, the Department of Labor issued a negative determination of eligibility to apply for adjustment assistance to all workers of Pfaudler Company, Elyria, Ohio.

Based on further investigation, initiated in response to new information provided by late responses from surveyed customers of Pfaudler Company, the Office of Trade

Adjustment Assistance on its own motion reopened the investigation.

The initial investigation had revealed that U.S. imports of metal tanks, which include glass lined metal vessels, increased relative to domestic production in 1983 compared to 1982 and increased absolutely in the first half of 1984 compared to the same period in 1983; and that sales of glass lined metal vessels produced at the Elyria, Ohio plant and employment of production workers declined in 1983 compared to 1982 and in the first half of 1984 compared to the same period in 1983.

The information provided by late respondents to the customer survey revealed that customers accounting for a significant portion of the Elyria plant's sales decline in 1983 compared to 1982, and the predominant portion of the sales decline accounted for by the survey group in the first half of 1984 compared to the same period in 1983, increased purchases of imported glass lined metal vessels. The determination, therefore, is revised to a certification of workers of the Elyria plant of Pfaudler Company.

The revised certification applicable to TA-W-15,387 is hereby issued as follows:

All workers of the Elyria, Ohio plant of Pfaudler Company who became totally or partially separated from employment on or after July 5, 1983 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of October 1984.

Stephen A. Wandner,

Deputy Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 84-28945 Filed 11-1-84; 8:45 am]

BILLING CODE 4510-30-M

Office of Pension and Welfare Benefit Programs

[Application No. D-4767, et al.]

Proposed Exemptions; Wake Pathology Associates, P.A. Pension Plan and Trust, et al.

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests: All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this Federal Register Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

Notice to Interested Persons: Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the day of publication in the Federal Register. Such notice shall include a copy of the notice of pendency of the exemption as published in the Federal Register and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the auhority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Wake Pathology Associates, P.A. Pension Plan and Trust (Wake Pension Plan); Wake Pathology Associates, P.A. Profit Sharing Plan and Trust (Wake Profit Sharing Plan); D.E. Scarborough, M.D., P.A. Pension Plan and Trust (Scarborough Pension Plan); and D.E. Scarborough, M.D., P.A. Profit Sharing Plan and Trust (Scarborough Profit Sharing Plan) Located in Raleigh, North Carolina

[Application No. D-4767]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to (1) the purchase of 22½ percent interests in a ten acre parcel of real property (Parcel One) by the Wake Pension Plan and the Wake Profit Sharing Plan for $24,750 each from Dr. D.E. Scarborough; (2) the purchase by the Scarborough Profit Sharing Plan of a 55 percent interest in Parcel One from Dr. Scarborough for $60,500; and (3) the purchase by the Scarborough Pension Plan of a 30 percent interest in a 15 acre parcel of real property (Parcel Two) from Dr. Scarborough for $47,250, provided the purchase prices do not exceed the fair market value of the interests in Parcels One and Two on the date of the acquisitions.

Summary of Facts and Representations

1. Wake Pathology Associates, P.A. (the Employer) is a professional corporation engaged in the practice of medicine and pathology. The Wake Pension Plan and the Wake Profit Sharing Plan (together, the Wake Plans) each have 10 participants. The Wake Pension Plan is administered by a committee of employees and directors of the Employer and by the Bank of North Carolina, N.A. Pursuant to the provisions of both Wake Plans, each participant has the right to direct the investments under the Plans for his own account. Dr. Scarborough, who is a director, stockholder, and employee of the Employer, has an individually directed account in each of the Wake Plans. The Wake Profit Sharing Plan currently has approximately $102,650 in Dr. Scarborough's account, and the Wake Pension Plan currently has approximately $111,622 in his account.

2. D.E. Scarborough, M.D., P.A. (the Corporation) was a professional corporation engaged in the practice of medicine and pathology which formerly employed Dr. Scarborough. The Corporation maintained the Scarborough Pension Plan and the Scarborough Profit Sharing Plan (together, the Scarborough Plans), which were terminated on December 31, 1978. At the time of their termination, Dr. Scarborough was the only participant. Although the Scarborough Plans are terminated, the trusts continue and are administered by the trustees. Pursuant to the provisions of the Scarborough Plans, each participant has the right to direct the investments under the Plans for his own account. In such instances, the investments are earmarked for the account of the participant directing such investments. Dr. Scarborough, who is presently a trustee of the Scarborough Plans as well as a former director, officer and stockholder of the Corporation, has individually directed accounts in each of the Scarborough Plans. He currently has approximately $244,990 in his account in the Scarborough Profit Sharing Plan, and $206,140 in his account in the Scarborough Pension Plan.

3. Dr. Scarborough, through his solely-owned corporation, Scarborough Investment Corporation, is the owner of Parcels One and Two, which are two undeveloped tracts of real estate which are held as investments. The Parcels are located in Wake County, North Carolina.

4. Dr. Scarborough now wishes to sell interests in Parcels One and Two to his accounts in the Wake Plans and the Scarborough Plans. He believes that the Parcels will continue to appreciate in value, and that the Parcels constitute an excellent investment opportunity for the accounts. Dr. Scarborough proposes to sell a 22½ percent interest in Parcel One to his account in each of the Wake Plans for $24,750 each, and to sell a 55 percent interest in Parcel One to his account in the Scarborough Profit Sharing Plan for $60,500. He also proposes to sell a 30 percent interest in Parcel Two to his account in the Scarborough Pension Plan for $47,250. The accounts' interests in Parcels One and Two will be duly filed and recorded with the Wake County, North Carolina, Register of Deeds.

5. Messrs. Martin L. Wachtel, III, M.A.I., W. Martin Winfree, Jr., M.A.I., and Neil C. Gustafson of Worthy & Wachtel, independent real estate appraisers in Raleigh, North Carolina, have appraised Parcel One as having an estimated fair market value of $110,000, and Parcel Two as having an estimated fair market value of $157,500, both as of August 14, 1984.

6. In summary, the applicant represents that the proposed transactions meet the criteria of section 408(a) of the Act because: (1) The transactions involve less than 25 percent of the assets in each of the accounts; (2) the sales are to be for prices established by independent appraisal; (3) Dr. Scarborough is the only participant in the Wake Plans and the Scarborough Plans to be affected by the transactions; and (4) Dr. Scarborough has determined that the proposed transactions are appropriate for and in the best interest of his accounts, and he desires that the transactions be consummated by the accounts.

Notice to Interested Persons: Because Dr. Scarborough is the only participant in any of the Plans to be affected by the proposed transactions, it has been determined that there is no need to distribute the notice of proposed exemption to interested persons. Comments and requests for a public hearing are due 30 days after the publication of this notice in the **Federal Register.**

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

The Andersons Retirement Savings Investment Plan (the Plan) Located in Maumee, Ohio

[Application No. D-4797]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406 (b)(1) and (b)(2) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to: (1) The proposed investment by a Plan participant of up to 10% of the assets of the participant's self-directed individual account (the Account) in limited partnership interests (the Interests) in the Andersons (the Employer), the sponsor of the Plan; and (2) the redemption of the Interests by the Employer, provided that all transactions are conducted on terms no less favorable to the Plan than those available to unrelated parties.

Summary of Facts and Representations

1. The Employer is a partnership formed under the Ohio Uniform Limited Partnership Act engaged primarily in grain merchandising. The Plan is a thrift profit sharing plan for permanent common law employees. The Plan was established on January 1, 1984. As of July 9, 1984, there were 545 common law employees participating in the Plan. The Employer also sponsors a profit sharing plan established in 1954 and a defined benefit pension plan established January 1, 1984.

2. The Employer has established a pension committee (the Committee) to serve as the Plan administrator. The members of the Committee are Thomas Copanas, Thomas Anderson, John Koltz, Fred Balogh and Dale Fallat, general partners of the Employer and Charles Gallagher, a limited partner. The trustee of the Plan is Ameritrust Company (the Bank) located in Cleveland, Ohio. The Bank is responsible for maintaining the Accounts and for holding and investing the assets of each Account pursuant to the participant's direction. The Bank is further responsible for maintaining the records of each Account. The Bank is not responsible for making any investment review of or recommendation with respect to any of the investment alternatives (as discussed below) available to Plan participants. The applicant represents that the Committee will not become involved in making day to day investment decisions regarding Plan assets.

3. The Plan permits an employee to authorize the Employer to withhold from 2%-10% (in ½% increments) of his or her annual compensation and contribute such amount to his or her Account as a salary reduction contribution. The Employer will match up to the first 6% of employee salary reduction contributions at the rate of $.50 for each dollar contributed. An employee contributing at the maximum 10% salary reduction contribution rate may also contribute a supplemental contribution of up to an additional 10% of compensation, on an after tax basis, at the end of the year. The supplemental contributions will not be matched by the Employer. On or before December 31, 1983, each participant made an initial election regarding the rate of withholding for his contributions to the Plan effective January 1, 1984. Thereafter, twice a year, in March and September, a participant may change the withholding rate by submitting a written authorization to the Committee at least 30 days prior to the change.

4. Each Account is divided into four sub-accounts. The first sub-account, the Employee Contributions Account, contains the participant's salary reduction contribution and all earnings thereon. The second sub-account, the General Account, contains the Employer's matching contributions and all earnings thereon. The third sub-account, the Employee Supplemental Contributions Account, contains the participant's supplemental contributions and all earnings thereon. The fourth sub-account, the Employee Rollover Contributions Account, contains distributions on behalf of a participant from a qualified pension or profit sharing plan maintained by a former employer of a participant, or from a rollover Individual Retirement Account, or from a transfer from other plans of the Employer pursuant to the terms of the Plan, and all earnings thereon. All of a participant's sub-accounts are aggregated for purposes of investments. Each participant directs the allocation of the assets in his or her Account among the various available investment alternatives.

5. Two investment alternatives were available to Plan participants as of January 1, 1984. They are Ameritrust's Fixed Income Fund, which is comprised of long term bonds and Ameritrust's Equity Fund, which is comprised of common stock, corporate bonds, convertible bonds and an interest in Ameritrust's short term fund. Effective January 1, 1985, a third investment alternative, the Interests, will be made available to Plan participants. The Interests are purchased directly from the Employer.

6. Twice a year, in March and September, a participant may instruct the Committee as to the manner in which prospective Employer and participant contributions (in increments of 10%) are to be invested. Such direction must be in writing and delivered to the Committee at least 30 days prior to its effective date. During 1984, a participant may invest in the Fixed Income and/or Equity funds, according to the instructions the participant gave to the Committee in December, 1983. Effective January 1, 1985, a participant may invest in the Fixed Income Fund, Equity Fund, the Interests, or any combination thereof. The Bank may only purchase Interests on January 1, of each year. Therefore, if in March or September a participant elects to invest a portion of his or her prospective contributions in the Interests, such funds will be held in a separate Limited Partnership Interest Purchase Account until the following January 1. In the interim, the participant may direct the investment of such funds in any combination (in increments of 10%) of the Fixed Income and/or Equity Funds. On January 1, the designated withheld contribution, plus any earnings thereon, shall be used to purchase Interests. A participant may only invest up to 10% of his or her Account balance in the Interests. Currently, a person must invest $50,000 in order to purchase a limited partnership interest in the Employer. However, the Employer shall waive this minimum investment requirement with respect to purchases of Interests from the Employer by the Accounts of Plan participants. Partnership interests in the Employer are expressed in terms of dollars invested by a partnership, not in terms of units. Therefore, if a participant directs the investment of $200 in the Interests, the Plan (as a result of the participant's investment) will be a limited partner with a $200 capital account in the Employer. There are, and will be, no fractional interests.

7. With respect to monies already in an Account (Old Monies), a participant may elect to redirect (in increments of the greater of 10% of the amount invested or $200) all or part of the Account from any mix of investment alternatives to any other mix. Redirection will only be effective as of December 31 and notice must be delivered to the Committee in writing by December 15. If a participant redirects all or a portion of the Account already invested in the Interests to an investment in the Fixed Income and/or Equity Funds, then for a period of two years after the effective date of the action, the participant may not direct prospective participant and Employer contributions, nor redirect existing investments in the Fixed Income and Equity Funds to an investment in the Interests (the Two Year Waiting Period).

8. The Plan permits a participant to withdraw all of the assets credited to his or her Account under the following circumstances: retirement, separation from service, and death. In the case of financial hardship, a participant may withdraw his or her salary reduction, supplemental and roll over contributions, the earnings thereon, and the vested portion of his or her Employer matching contributions to the extent permitted by Treasury Regulations and Revenue Rulings. To qualify for a hardship withdrawal, a participant must establish to the satisfaction of the Committee that there is a pressing emergency for which no other source of income is available. In such cases, the amount of withdrawal will be limited to the amount required to meet the financial needs of the participants. The participant will select the investment option or options from which the money will be withdrawn. Once a year a participant may request a withdrawal of all or a portion of his or her suplemental contributions and the earnings thereon. Under the terms of the Plan, a withdrawal is not treated as redirection of monies and thus does not involve the Two Year Waiting Period.

9. At the end of the year, each participant's Account will be adjusted to reflect the Employer's profits or losses for that year. The applicant represents that the Bank will oversee these adjustments on behalf of the Plan. The applicant further represents that all Accounts will be valued at fair market value in accordance with section 3(26) of the Act. With respect to valuation of a participant's investment in the Interests for purposes of redirecting the investment of Old Monies, the Employer will provide the participants with an estimate of profits or losses on December 10. A final determination of the capital accounts of all partners, including those of the Plan participants will be rendered upon receipt of the independent accountant's certified audit of the Employer. When the capital accounts are determined, the participants' individual accounts within the Plan will be adjusted accordingly. With respect to the valuation of a participant's investment in the Interests for purposes of the hardship withdrawal provision of the Plan, the participant's investment will be valued as of the end of previous year plus the participant's distributive share of profits or losses as of the most recent quarterly financial statement. If the most recent statements are unaudited, then losses will be disregarded and the value of a participant's Interest will be based entirely on the audited capital account figure, i.e., the figure from the prior December 31. After the certified audit is completed for the year of withdrawal, a participant's capital account will be determined and will reflect his or her correct distributive share of profits or losses to the date of withdrawal.

10. Prior to permitting an investment in the Interests, the Employer shall file a registration statement under the Securities Act of 1933 with the Securities and Exchange Commission. Further, each participant will receive a copy of such registration statement before January 1, 1985. Under the partnership agreement (the Agreement), partnership net income is divided among the general and limited partners on the basis of the capital account of each partner except

that the profit share earned on each dollar of the invested capital of a limited partner shall be equal to 80% of the profit share earned on each dollar of the invested capital of each general partner. Net losses are allocated in the same manner as net income. The Bank will be entitled to exercise the full rights of a limited partner as granted in the Ohio Uniform Limited Partnership Act including: (1) The right to have the partnership books kept at the principal offices of the Employer and to inspect and copy them at any time; (2) the right to have, on demand, true and full information of all matters effecting the Employer, and a formal account of the Employer's affairs whenever circumstances render such account just and reasonable; and (3) the right to a dissolution and winding up by a decree of court.

11. The Bank, in its capacity as trustee of the Plan, represents that it has reviewed the exemption application, the Plan, prospectuses for the Employer for the years 1979–83 and a form 10–Q filed by the Employer with the Securities and Exchange Commission on September 30, 1983, and concluded that an investment in the Interests, at this time, is a viable and prudent investment for the Plan. The Bank represents that it is independent of the Employer. The Bank further represents that its sole relationship with the Employer is that the Bank owns a $3.4 million industrial revenue bond due September 1, 1985, secured by a first mortgage on a storage facility owned by the Employer, located in Delphi, Indiana.

12. With respect to the discrepancy in the rate of return of general and limited partners, the Bank represents that the discrepancy is not inappropriate for the following reasons: (a) The limited partner is liable for Employer obligations only up to his capital investment, whereas the general partner is personally liable beyond such investment; (b) the Employer is managed by its general partners whereas the Plan is a passive investor with no decision making requirements; and (c) the Bank has invested trust assets under its management in venture capital transactions where the spread between the receipts to the general and limited partners is at least the equal of the situation under review.

13. The Employer's accountants have advised the Bank that the Plan's income derived from its investment in the Interest is subject to unrelated business income tax. However, the Bank represents that if the overall return net of applicable taxes is satisfactory, it does not regard the imposition of an unrelated business income tax as a reason, in and of itself, for avoiding the investment. After reviewing the 1973–1982 tax returns of the limited partners with various sizes of capital accounts, the Bank determined that the ten year average rate of return for each size of capital account exceeded 15% per annum, which the Bank represents is a favorable return.

14. The exemption proposed herein would cover only those transactions specifically described. The general partners of the Employer understand that they would be proceeding without the protection afforded by an exemption from Act section 406(b) for any acts of self-dealing or conflicts of interest that may arise in the operation of the Andersons partnership and which are not described in this proposed exemption.

15. In summary, the applicant represents that the proposed transaction meets the statutory criteria for an exemption under section 408(a) of the Act because: (a) Each participant will individually determine whether he or she wishes to invest any portion of his or her Account in the Interests; (b) a participant may invest no more than 10% of his or her Account in the Interests; (c) a participant may redirect the investment of his or her Account out of the Interests; and (d) the Bank has determined that the investment in the Interests by a participant is a viable and prudent investment.

For Further Information Contact: David M. Cohen of the Department, telephone (202) 523–8671. (This is not a toll-free number.)

The Andersons Retirement Savings Investment Plan for Partners (the Plan) Located in Maumee, Ohio

[Application No. D–4859]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in Rev. Proc. 75–26, 1975–1 C.B. 722. If the exemption is granted the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c) (1) (A) through (E) of the Code, shall not apply to: (1) The proposed investment by a Plan participant of up to 10% of the assets of the participant's self-directed individual account (the Account) in limited partnership interests (the Interests) in the Andersons (the Empoyer), the sponsor of the Plan; and (2) the redemption of Interests by the Employer, provided that transactions are conducted on terms no less favorable to the Plan than those available to unrelated parties.

Summary of Facts and Representations

1. The Employer is a partnership formed under the Ohio Uniform Limited Partnership Act engaged primarily in grain merchandising. The participants are those general and limited partners who perform services for the Employer. The applicant represents that no common law employees of the Employer participate in the plan.[1] The Plan was established on January 1, 1984. As of April 1, 1984, there were 74 participants in the Plan which had assets of $332,976. The Employer also sponsors a profit sharing plan established in 1954 in which both common law employees and general and limited partners who perform services for the Employer participate.

2. The Employer has established a pension committee (the Committee) to serve as the Plan administrator. The members of the Committee are Thomas Copanas, Thomas Anderson, John Koltz, Fred Balogh and Dale Fallat, general partners of the Employer and Charles Gallagher, a limited partner. The trustee of the Plan is Ameritrust Company (the Bank) located in Cleveland, Ohio. The Bank is responsible for maintaining the Accounts and for holding and investing the assets of each Account pursuant to the participant's direction. The Bank is further responsible for maintaining the records of each Account. The Bank is not responsible for making any investment review of or recommendation with respect to any of the investment alternatives (as discussed below) available to Plan participants. The applicant represents that the Committee will not become involved in making day to day investment decisions regarding Plan assets.

3. A participant may elect to have the Employer withhold from 1%–15% (in ½% increments) from his or her monthly earned income and contribute such amount to the Account in the Plan. The Employer does not match any of the participant's contributions. Any participant contributing at the maximum 15% earned income reduction contribution rate may also contribute a supplemental, after-tax contribution of up to an additional 10% of earned income. In the case of a general partner,

[1] The applicant represents that the Plan is not an "employee benefit plan" within the meaning of section 3(3) of the Act, pursuant ot 29 CFR 2510.3–3(c)(2) and therefore ther is no jurisdiction under Title I of the Act. However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Code.

earned income is defined by the Plan to include the following: the partners base compensation for services, the partner's allocation under the Employer's current pay profit-sharing program, a gross-up equivalent for certain welfare benefits provided to common law employees and the partner's distributive share of the Employer's net income (or loss) for the year. In the case of a limited partner, earned income is defined by the Plan to include all of the foregoing items except for such partner's distributive share of the Employer's net income (or loss) for the year.

4. In addition to or in lieu of a withheld earned income reduction contribution, a participant may make a lump sum contribution at year end. Such lump sum contribution shall be made out of the participant's pay profit-sharing allocation, the gross-up equivalent for certain welfare benefits provided to common law employees, and, in the case of general partners, also out of the net income distribution. The lump sum contribution plus the withheld earned income reduction contribution, if any, may not exceed 25% of earned income. On or before December 31, 1983, each participant made an initial election regarding the rate of withholding for his contributions to the Plan effective January 1, 1984. Thereafter a participant may change the withholding rate once a year on December 31 by submitting a written authorization to the Committee at least 30 days prior to the change.

5. Each Account is divided into three sub-accounts. The first sub-account, the Earned Income Contributions Account, contains the participant's earned income reduction contribution and all earnings thereon. The second sub-account, the Partner Supplemental Contributions Account, contains the participant's supplemental contributions and all earnings thereon. The third sub-account, the Rollover Contributions Account, contains distributions on behalf of a participant from a qualified pension or profit sharing plan maintained by a former employer of a participant, or from a rollover Individual Retirement Account, or from a transfer from other plans of the Employer pursuant to the terms of the Plan, and all earnings thereon. All of a participant's sub-accounts are aggregated for purposes of investments. Each participant directs the allocation of the assets in his or her Account among the various available investment alternatives.

6. Two investment alternatives were available to Plan participants as of January 1, 1984. They are Ameritrust's Fixed Income Fund, which is comprised of long-term bonds and Ameritrust's Equity Fund, which is comprised of common stock, corporate bonds, convertible bonds and an interst in Ameritrust's short term fund. Effective January 1, 1985, a third investment alternative, the Interests, will be made available to Plan participants. The Interests are purchased directly from the Employer.

7 Once a year, on December 31, a participant may instruct the Committee as to the manner in which prospective earned income reduction and any lump sum contributions (in increments of 10%) are to be invested. Such direction must be in writing and delivered to the Committee at least 15 days prior to its effective date. During 1984, a participant may invest in the Fixed Income and/or Equity funds, according to the instructions the participant gave to the Committee in December 1983. Effective January 1, 1985, a participant may invest in the Fixed Income Fund, Equity Fund, the Interests, or any combination thereof. Currently, a person must invest $50,000 in order to purchase a limited partnership interest in the Employer. However, the Employer and the Bank will enter into an agreement whereby the Employer shall waive this minimum investment requirement with respect to purchases of Interests from the Employer by the Accounts of Plan participants. Partnership interests in the Employer are expresed in terms of dollars invested by a partner, not in terms of units. Therefore, if a participant directs the investment of $200 in the Interests, the Plan (as a result of the participant's investment) will be a limited partner with a $200 capital account in the Employer. There are, and will be no fractional interests. A participant may only invest up to 10% of his or her Account balance in the Interests.

8. With respect to monies already in an Account (Old Monies), a participant may elect to redirect (in increments of the greater of 10% of the amount invested or $200) all or part of the Account from any mix of investment alternatives to any other mix. Redirection will only be effective as of December 31 and notice must be delivered to the Committee in writing by December 15. If a participant redirects all or a portion of the Account already invested in the Interests to an investment in the Fixed Income and/or Equity funds, then for a period of two years after the effective date of the action, the participant may not direct prospective participant and Employer contributions, nor redirect existing investments in the Fixed Income and Equity Funds to an investment in the Interests (the Two Year Waiting Period).

9. The Plan permits a participant to withdraw all of the assets credited to his or her Account under the following circumstances: retirement, separation from service, and death. In the case of financial hardship, a participant may withdraw his or her contributions to the Plan and the earnings thereon if the participant can establish to the satisfaction of the Committee that there is a pressing emergency for which no other source of income is available. In such cases, the amount of withdrawal will be limited to the amount required to meet the financial needs of the participant. The participant will select the investment option or options from which the money will be withdrawn. Once a year a participant may request a withdrawal of all or a portion of his or her supplemental contributions and the earnings thereon. Under the terms of the Plan, a withdrawal is not treated as redirection of monies and thus does not involve the Two Year Waiting Period.

10. At the end of the year, each participant's Account will be adjusted to reflect the Employer's profits and losses for that year. The applicant represents that the Bank will oversee these adjustments on behalf of the Plan. The applicant further represents that all Accounts will be valued at fair market value in accordance with section 3(26) of the Act. With respect to valuation of a participant's investment in the Interests for purposes of redirecting the investment of Old Monies, the Employer will provide the participants with an estimate of profits or losses on December 10. A final determination of the capital accounts of all partners, including those of the Plan participants will be rendered upon receipt of the independent account's certified audit of the Employer. When the capital accounts are determined, the participants' individual accounts within the Plan will be adjusted accordingly. With respect to the valuation of a participant's investment in the Interest for purposes of the hardship withdrawal provision of the Plan, the participant's investment will be valued as of the end of previous year plus the participant's distributive share of profits or losses as of the most recent quarterly financial statement. If the most recent statements are unaudited, then losses will be disregarded and the value of a participant's Interest will be based entirely on the audited capital account figure, i.e., the figure from the prior December 31. After the certified audit is completed for the year of withdrawal, a participant's capital account will be

determined and will reflect his or her correct distributive share of profits or losses to the date of withdrawal.

11. Prior to permitting an investment in the Interests, the Employer shall file a registration statement under the Securities Act of 1933 with the Securities and Exchange Commission. Further, each participant will receive a copy of such registration statement before January 1, 1985. Under the partnership agreement (the Agreement), partnership net income is divided among the general and limited partners on the basis of the capital account of each partner except that the profit shared earned on each dollar of the invested capital of a limited partner shall be equal to 80% of the profit share earned on each dollar of the invested capital of each general partner. Net losses are allocated in the same manner as net income. The Bank will be entitled to exercise the full rights of a limited partner as granted in the Ohio Uniform Limited Partnership Act including: (1) The right to have the partnership books kept at the principal offices of the Employer and to inspect and copy them at any time; (2) the right to have, on demand, true and full information of all matters effecting the Employer, and a formal account of the Employer's affairs whenever circumstances render such account just and reasonable; and (3) the right to a dissolution and winding up by a decree of court.

12. The Bank, in its capacity as trustee of the Plan, represents that it has reviewed the exemption application, the Plan, prospectuses for the Employer for the years 1979–83 and a form 10–Q filed by the Employer with the Securities and Exchange Commission on September 30, 1983, and concluded that an investment in the Interests, at this time, is a viable and prudent investment for the Plan. The Bank represents that it is independent of the Employer. The Bank further represents that its sole relationship with the Employer is that the Bank owns a $3.4 million industrial revenue bond due September 1, 1985, secured by a first mortgage on a storage facility owned by the Employer, located in Delphi, Indiana.

13. With respect to the discrepancy in the rate of return of general and limited partners, the Bank represents that the discrepancy is not inappropriate for the following reasons: (a) The limited partner is liable for Employer obligations only up to his capital investment, whereas the general partner is personally liable beyond such investment; (b) the Employer is managed by its general partners whereas the Plan is a passive investor with no decision making requirements; and (c) the Bank has invested trust assets under its management in venture capital transactions where the spread between the receipts to the general and limited partners is at least the equal of the situation under review.

14. The Employer's accountants have advised the Bank that the Plan's income derived from its investment in the Interests are subject to unrealated business income tax. However, the bank represents that if the overall return net of applicable taxes is satisfactory, it does not regard the imposition of an unrelated business income tax as a reason, in and of itself, for avoiding the investment. After reviewing the 1973–1982 tax returns of the limited partners with various sizes of capital accounts, the Bank determined that the ten year average rate of return for each size of capital account exceeded 15% per annum, which the Bank represents is a favorable return.

15. The exemption propose herein would cover only those transactions specifically described. The general partners of the Employer understand that they would be proceeding without the protection afforded by an exemption from any acts of self-dealing or conflicts of interest that may arise in the operation of the Andersons partnership and which are not described in this proposed exemption.

16. In summary, the applicant represents that the proposed transaction meets the statutory criteria for an exemption under section 4975(c)(2) of the Code because: (a) Each participant will individually determine whether he or she wishes to invest any portion of his or her Account in the Interests; (b) a participant may invest no more than 10% of his or her Account in the Interests; (c) a participant may redirect the investment of his or her Account out of the Interests; and (d) the Bank has determined that the investment in the Interests by a participant is a viable and prudent investment.

For further Information Contact: David M. Cohen of the Department, telephone (202) 523–8671. (This is not a toll-free number.)

Phillips Petroleum Company Retirement Trust Fund (the Fund) Located in New York, New York

[Application No. D–5178]

Proposed Exemption

The Department is considering granting an examption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sactions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed cash sale by the Fund of its entire stock ownership in three corporations, Kenai LNG Corporation (Kenai), Arctic LNG Transportation Company (Arctic), and Polar LNG Shipping Corporation (Polar, collectively; the Three Corporations), to Phillips Petroleum Company (Phillips), the sponsor of the Fund, provided the Fund receives not less than the fair market value of the stock on the date of sale.

Summary of Facts and Representations

1. The Fund holds assets of the Retirement Income Plan of Phillips and various subsidiaries, which is a defined benefit plan with approximately 29,900 participants. As of September 30, 1983, the Fund had total assets of approximately $1.4 billion. The Fund is administered by fourteen institutional investment managers including Citibank, N.A. (Citibank), a New York corporation. Citibank also serves as a trustee and holds $727,870,000 of the Fund's assets. Of that amount is has investment management authority for approximately $206,434,000.

2. Phillips is a Delaware corporation which is engaged primarily in the business of petroleum exploration and production on a world-wide basis, and petroleum refining and marketing in the United States. Phillips also produces and distributes chemicals world-wide.

3. The Fund owns stock in seven corporations which were organized prior to the effective date of the Act. The Fund's ownership interest in each corporation is held in the portion of the Fund trusteed by Citibank, which also maintains investment discretion with respect to the stock of the corporations. The corporations were organized by Phillips who contributed all or a portion of their stock to the Fund prior to 1974. Phillips has claimed a deduction with respect to its contributions of the common stock of the corporations of approximately $1,228,000.

Each of these corporations' sole assets consist of properties which were paid for through the issuance of debt or were contributed to the corporations by Phillips. The properties are leased to Phillips under agreeements entered into prior to July 1, 1974. Because the Fund owned all or a majority of the stock of four of these companies (Reproco, Inc., Groleco, Inc., Arlco, Inc., and Phillips Gas Supply Corporation), whose only

significant assets are properties subject to leases or joint uses with Phillips entered into prior to July 1, 1974, the sale of the stock of these corporations to Phillips, which occurred on June 29, 1984, may be afforded relief by section 414(c)(3) of the Act. Such determination is the subject of a separate Department proceeding.[2]

4. The Fund owns a minority stock ownership interest in each the Three Corporations. Kenai is a Delaware corporation in which the Fund owns 21% of its outstanding common stock, Phillips owns 49%, and an unrelated corporation Marathon Oil Company (Marathon) owns the remaining 30%. Kenai owns 34.2 acres of land near Kenai, Alaska, and improvements consisting of various buildings, structures and other machinery and equipment including a natural gas liquefaction plant producing liquefied natural gas (LNG). Kenai also owns dock facilities on 76.6 acres of tidal and submerged land along the eastern shore of Cook Inlet, Alaska. All of the above properties, including the land, are net leased by kenai to Phillips and Marathon for a term ending June 1, 1989. The plant and other facilities were completed in June, 1969, and were financed by a loan from Metropolitan Life Insurance Company (Metropolitan) in the amount of $46,239,000. The loan is payable is semi-annual installments ending June 1, 1989, and is secured by a mortgage on the properties, and guaranties by Phillips and Marathon. The semi-annual amortization payments are made through an assignment of rentals by the lessees to Metropolitan. The outstanding balance of the loan as of December 31, 1983, was $19,904,000. Metropolitan is a party in interest with respect to the Fund by virtue of being an investment manager with respect to a portion of the Fund's assets.

5. Arctic and Polar are corporations in which the Fund owns 21% of the outstanding common stock, Phillips owns 49% and Marathon owns 30%. Arctic and Polar each own an LNG tanker. The tankers are 800 feet in length and have a carrying capacity of 450,000 barrels of LNG. The tankers are employed to transport LNG from Kenai's plant in Alaska to Tokyo, Japan. The purchase price of each tanker was financed by a loan of $27,825,000 from Metropolitan. The loans are being amortized by semi-annual payments and are paid by an assignment of amounts payable pursuant to transportation agreements between Arctic and Polar as owners, and Phillips and Marathon as shippers. The loans are further secured by a mortgate on each tanker and by guaranties of the shippers.

6. The applicant requests an exemption to sell the stock of the Three Corporations for cash at their fair market values to Phillips. Citibank, as a fiduciary of the Fund, after a consideration of various alternatives including selling the stock to a third party at the best price it could obtain on the open market, has determined that the sale of the assets to Phillips at this time is in the best interests of the Fund. Due to the complex nature of the Alaskan LNG properties, Citibank initially determined that in its negotiations with Phillips it would obtain appraisals of the properties to be used as reference points, as well as conduct independent research as to the value of the properties.

7 Citibank first determined that any sale of the properties would be at the unrestricted market value of the properties not encumbered by the leases to Phillips. Citibank then commissioned the Williams Brothers Engineering Company (Williams) located in Tulsa, Oklahoma, to render an appraisal of the Fund's interest in the Three Corporations and Phillips Gas Supply Corporation (Gas Supply) which also owns LNG assets. (As mentioned, because the Fund owns a majority of the stock of Gas Supply, the sale of its assets is the subject of a separate Department proceeding.) Williams then commissioned J.J. Henry Co., Inc., located in New York, New York (Henry), a naval architectural firm, to prepare a report on the value of the LNG carriers owned by Arctic and Polar.

8. With respect to Kenai, Williams represented that, based upon various assumptions relating to market demand, the price of crude oil, the expected cash flow from the properties and various discount rates applied to cash flow, the Fund's interest in Kenai had a range of values. The range in values results from the application of varying assumptions to the "future earnings approach" valuation method utilized by Williams.

9. With respect to Arctic and Polar, Henry prepared a report, in November 1983, on the residual value and useful life of the carriers. Henry's report did not take into account the effect of current market conditions. In this regard, the report did not take into account recent sales in the market place of comparable vessels.

10. Thereafter, Citibank after undertaking various additonal independent studies and after detailed negotiations with Phillips, agreed upon a sales price of $13.63 million for the Three Corporations. The negotiations were conducted over a period of several months with Citibank concluding, on behalf of the Fund, that the sale of the stock of the Three Corporations is in the best interests of the Fund. Citibank represents that the price to be paid is substantially in excess of what could be realized in sales to third parties.

11. Citibank then commissioned another appraisal company, Energy Advisors, Inc. (Energy), located in New York, New York, to render an appraisal of the fair market values of the Fund's interests in the Three Corporations. Energy is experienced in the appraisal of oil and gas properties and serves as a financial advisor in the energy industry. Energy commissioned Poten & Partners, Inc. (Poten), located in New York, New York, a ship brokerage firm engaged in the chartering, purchase and sale of ships with special familiarity with the world LNG industry, to determine the fair market value of the carriers. Energy and Poten reviewed the prior appraisals which had been performed and as well applied their own analysis and expertise. In a report dated August 30, 1984, Energy concluded that the Fund's interest in the Three Corporations had a fair market value of $6.56 million.

12. Citibank, on behalf of the Fund, represents that they negotiated with Phillips the best price for the interests in the Three Companies as it could obtain. In this regard Citibank and Phillips have agreed that Phillips will purchase the Fund's interests in the Three Corporations for the negotiated price of $13.63 million. This price reflects a price substantially greater than the market value of the Fund's interests as determined by Energy and Poten. Phillips will purchase the Fund's interests for cash. The Fund will not incur any commission expenses or other administrative expenses (other than legal counsel) with regard to the sale of the stock of the Three Corporations.

13. In summary, the applicant represents that the proposed transaction satisfies the statutory criteria of section 408(a) for the following reasons: (a) The sale of the stock of the Three Corporations will be a one-time transaction for cash; (b) Citibank represents that the price Phillips has agreed to pay for the Fund's stock is substantially greater than what would be realized from a third party and is not less than fair market value; and (c)

[2]The applicant represents that the lease of properties by each of the corporations to Phillips pursuant to leases in effect prior to July 1, 1974, are provided transitional relief under section 414(c)(2) of the Act. Herein, the Department renders no opinion as to whether the leasing of properties by the corporations to Phillips satisfied the requirements of section 414(c)(2) of the Act.

Citibank represents that the proposed sale is in the best interests of the Fund.

For Further Information Contact: Mr. David Stander of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Shaw Brothers Co. Profit Sharing Plan and Trust (the Plan) Located in Chicago, Illinois

[Application No. D-5417]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the continuation of a pre-Act loan executed between the Plan and a land trust whose beneficial owners are parties in interest with respect to the Plan, provided that the terms of the transaction were and continue to be not less favorable to the Plan than those obtainable in an arm's length transaction with an unrelated party.

Effective Date: This proposed exemption, if granted, will be effective July 1, 1984.

Summary of Facts and Representations

1. The Plan is a profit sharing plan with 48 participants and net assets of $246,382 as of June 6, 1984. Shaw Brothers Co. (the Employer), is engaged in the retail and catalog sale of jewelry, appliances, furniture and other consumer goods.

2. On April 30, 1974, the Plan made a loan of $30,000 to the Cental Bank and Trust Company of Miami, Florida, as trustee of land trust number 74-LT-24-908 (Land Trust).[3] The beneficiaries of the Land Trust were the Employer, Arnold N. Cohn and Joseph Siegel (both of whom are Plan trustees).[4] The loan was secured by a mortgage on a condominium owned by the Land Trust. The condominium is located at 3301 Spanish Moss Terrace, Lauderhill, Florida, Apt. #606. The loan was also secured by the Employer's guarantee of repayment. The original loan provided for monthly payments of $247, including interest at 8¾% per annum, over a 25 year period.

3. The applicant represents that the above loan was covered by section 414(c)(1) of the Act.[5] The applicant has requested an exemption in order to continue the above loan after June 30, 1984. The Land Trust, effective July 1, 1984, executed new loan documents with the Plan which carried forward the outstanding loan balance of $24,600 and provided for equal monthly payments of $361.30 which includes interest at the rate of 16% per annum over the remaining 15 years of the loan. The new loan continued to be secured by the condominium and by the Employer's guarantee of repayment, with the Employer's net worth being in excess of $6.5 million as of February 29, 1984.

4. Mr. Max Fruchtman, and unrelated realtor-associate with the firm of Campbell Property Management & Real Estate located in Lauderhill, Florida, appraised the condominium to have a value of approximately $65,000 as of June 29, 1984. The value of the condominium would therefore exceed over 200% of the current amount of the loan. The Employer represents that it will add any additional collateral that may be required during the remaining life of the loan to assure that the value of the collateral securing the loan is at all times equal to at least 150% of the outstanding balance of the loan. The applicant also represents that the condominium will be kept fully insured throughout the term of the loan.

5. Prior to the effective date of the transaction, the trustees of the Plan appointed Mr. Jeffrey Litwin (Mr. Litwin), a certified public accountant, who is a principal in the accounting firm of Goldberg, Geiser & Co., Ltd. of Chicago, Illinois, to serve as the independent fiduciary for the loan. Mr Litwin represents that he has been advised by legal counsel with regard to his duties, responsibilities and liabilities as independent fiduciary under the Act and that he is knowledgeable about such responsibilities. Mr. Litwin's firm serves as independent auditor of the Employer and the Plan, but Mr. Litwin represents that fees for such services account for less than 1% of the firm's annual fees. Mr Litwin is familiar with the loan and has determined that continuation of the loan was appropriate and suitable for the Plan. Mr. Litwin represents that the rate of interest being paid on the loan is appropriate and that the loan is adequately secured by the condominium and by the Employer's guarantee. In reaching these conclusions, Mr. Litwin has reviewed the overall Plan investment portfolio and considered the cash needs of the Plan (which he represents currently would not require the sale of any Plan assets). Moreover, he has determined that the continuation of the loan would not adversely affect the diversification of Plan assets.

Mr. Litwin will enforce the terms of the loan between the Plan, the Land Trust and its beneficial owners, including making demand for timely payment, bringing suit or other appropriate process against the Land Trust and/or the beneficial owners in the event of default, keeping accurate records and reporting at least annually to the Plan's trustees on the performance of the loan, specificaly including whether the value of the collateral securing the loan remains equal to at least 150% of the outstanding loan balance. Mr. Litwin will be entitled to such information from the Land Trust, the beneficial owners and the Plan trustees as may be reasonably necessary to fulfill his responsibilities and he shall be paid reasonabale compensation plus reimbursement for reasonable expenses, if any, including legal or appraisal fees of costs, as agreed upon with the Plan's trustees.

6. In summary, the applicant represents that the continuation of the loan met the statutory criteria for an exemption under section 408(a) of the act because:

(a) The loan was approved and will be monitored by Mr. Litwin; and

(b) The loan will be secured by collateral which at all times will be at least equal to 150% of the outstanding loan balance.

For Further Information Contact: Alan H. Levitas of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

Austin Oral Surgery Associates Pension Plan (the Pension Plan) and the Austin Oral Surgery Associates Profit Sharing Plan (the Profit Sharing Plan; Collectively, the Plans) Located in Austin, Texas

[Application Nos. D-5644 and D-5645]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a),

[3] The applicant represents that a land trust is formed to accept and hold legal title to property conveyed to it by a grantor, for the equitable benefit of one or more beneficiaries.

[4] The applicant represents that Mr. Siegel subsequently conveyed his interest in the Land Trust to the Employer.

[5] The Department expresses no opinion as to the applicability of section 414(c)(1) of the Act to the prior loan.

406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to (1) the loans (the Loans) by the Plans of an amount totaling $550,000 to Austin Oral Surgery Associates (the Partnership); and (2) the guarantee of repayment of the Loans by the partners (the Partners) of the Partnership, provided the terms and conditions of both transactions are at least as favorable to the Plans as those obtainable in arm's length transaction with an unrelated party.

Summary of Facts and Representations

1. The Plans consist of the Pension Plan and the Profit Sharing Plan. As of August 17, 1984, the Pension Plan had eight participants and total assets having a fair market value of $1,278,758. Also on August 17, 1984, the Profit Sharing Plan had ten participants and total assets having a fair market value of $1,052,566. The trustee of the Plans (the Trustee) is First City National Bank in Austin. The Trustee has ultimate responsibility for making investment decisions affecting the Plans.

2. The Partnership is a Texas general partnership that was formed to hold legal title to certain real and personal property. The Partnership is composed of Doctors James R. Fricke, Jr.; Sam B. Fason; Barry D. Cunningham; William L Buchanan; Gregory N. Burroughs; R. Lynn White; and Fred J. Voorhees. These individuals are oral surgeons and principals of Austin Oral Surgery Associates, P.C. (the Employer) which maintains its principal place of business at 711 W. 38th Street, Austin, Texas.

3. The Partnership holds legal title to a building (the Building) consisting of a 6,400 square foot medical office building in the Medical Science Center Condominum Complex. The Partnership acquired the Building in 1979 from Dr. Robert M. Cain, an unrelated party, for a purchase price of $476,691. The Building is subject to a first lien deed of trust held by Pioneer American Insurance Company (Pioneer), an unrelated entity, in the original amount of $213,000 (the Pioneer Loan). At present, the outstanding principal balance due on the Pioneer Loan is $203,000.

The Partnership leases a clinic facility in the Building to the Employer for $10,173 per month. Another portion of the Building is leased by the Partnership to D&R Pharmacy (D&R), an unrelated entity, for $1,212 per month. (The leases are hereinafter referred to as the Leases.) Both Leases provide for an initial term of five years with one renewal option of five years' duration. The Leases also require the tenants to pay their pro rata share of taxes and maintain the interiors of the premises. The Partnership is presently in the process of remodeling the Building and constructing a second floor therein. Upon completion of the renovation projects, the total cost of the Building to the Partnership will have been approximately $1,050,000.

4. Texas Commerce Bank-Austin (Texas Commerce), which has no affiliation or relationship with the Trustee, has provided the Partnership with a line of credit for the interim financing of the Building. The interim loan carries a floating interest rate and it is unsecured. To date, the loan has not been repaid. Although Texas Commerce is willing to give the Partnership permanent financing and financing is available from other lending institutions, the Partners have asked the Trustee to consider allowing both Plans to lend the Partnership a total of $550,000 ($250,000 from the Profit Sharing Plan and $300,000 from the Pension Plan). The Loan proceeds will be used by the Partnership to repay the interim loan provided by Texas Commerce. Therefore, an administrative exemption is requested from the Department.

5. The Loans will represent less than 25 percent of the assets of the Plans. They will be evidenced by promissory notes providing for repayment of the indebtedness, with each Loan bearing interest at the rate of fourteen percent per annum. Each Loan will be payable in monthly installments of principal and interest in accordance with a thirty year amortization schedule. A final balloon payment will be due at the end of twenty years. The monthly payment to the Profit Sharing Plan will be $2,962. The balloon payment to this Plan will be $190,780 in the twentieth year. The monthly payment to the Pension Plan will be $3,554. At the end of the twentieth year, the remaining unpaid principal balance for this Plan will be $228,930.

6. The Loans will be secured by the following collateral: (a) A first lien interest in all of the accounts receivable (the Receivables) of the Employer; (b) a first lien chattel mortgage on certain dental equipment (the Equipment) used by the Employer in its business; and (c) a second lien deed of trust (the Deed of Trust) on the Building as well as an assignment of rents. As further security, the Partners, who had a combined net worth in excess of $12 million on July 6, 1984, will provide their personal guarantees. The collateral pledged to secure the Loans will be documented by the appropriate security instruments and filed of record in Travis County, Texas and/or with the Texas Secretary of State. The Equipment and Building will also be insured in favor of the Plans.

At all times the value of the collateral will represent at a minimum 150 percent of the combined outstanding balance of the Pioneer Loan and the Loans. If the value of the collateral ever falls below this level, the Trustee, which will serve as the independent fiduciary on behalf of the Plans, will require that the Partnership pledge additional collateral.

7. According to the exemption application, the Receivables, which totaled $343,409 as of May 31, 1984, represent payments due from insurance companies for services previously rendered to patients. Historically, the Employer had collected in excess of 95 percent of its Receivables. The collection process typically takes from 120 to 150 days following the provision of services. The application states that the Receivables remain at a fairly constant level throughout the year. For example, on June 30, 1983, the Employer had Receivables totaling $318,914, and as noted above, the Receivables totaled $343,409 on May 31, 1984.

8. The Equipment that will partially secure the Loans has been appraised by Mr. Bob Hewitt (Mr. Hewitt) of Bob Hewitt and Company, Austin, Texas. Mr. Hewitt, who is unrelated to the parties involved in the proposed transactions, is an experienced dental appraiser specializing in the sale and appraisal of new and used dental equipment. As of June 6, 1984, Mr. Hewitt has placed the fair market value of the Equipment at $58,940. In valuing the Equipment, Mr. Hewitt estimates the current "in place" value of the assets listed in the appraisal report. He explains that this aggregate value represents an estimate of the current market value selling price.

In a September 6, 1984 addendum to the appraisal report, Mr. Hewitt states that first year depreciation for the Equipment is between 10 to 20 percent of the value of the Equipment. After the first year, he explains that the depreciation rate is approximately 5 percent per year until 50 percent depreciation is reached. He adds that 10–15 year old equipment retains a resale value of 30–50 percent of the value of new equipment. Since 30 percent of his equipment sales involves used equipment, Mr. Hewitt represents that the used equipment market is strong.

9. As stated above, the Loans will be further secured by a second lien Deed of Trust on the Building in the amount of $550,000. (As noted in item 3, the first lien trust deed, which has a $203,000 outstanding principal balance, is held by

Pioneer.) The Deed of Trust will specifically provide that a default on the Pioneer Loan will constitute a default on the entire second lien. Moreover, the Deed of Trust will contain a due on sale provision requiring that the Plans be paid in full if the Building is sold. Finally, the Deed of Trust will provide for an assignment of the rents due from the Employer and D&R under their respective Leases. The present total monthly rental due under the Leases is $11,385.

10. The Building has an appraised value of $975,000 according to an appraisal report prepared by Mr. L. Hayden Brooks (Mr. Brooks) on May 15, 1984. Mr. Brooks, an independent appraiser, is employed in the development and leasing division of Trammel Crow, one of the nation's largest real estate developers. Mr. Brooks holds degrees in Architecture and Finance. He also has experience in developing and leasing properties in Austin, Texas.

11. As previously stated, the Trustee has agreed to serve as the independent fiduciary for the Loans. The Trustee does not maintain a commercial relationship with the Partners, Partnership or the Employer. In addition, the Partners are not officers, directors or shareholders of the Trustee.

The Trustee believes that the Loans are appropriate transactions for the Plans and in the best interest of their participants and beneficiaries because of the types of security offered and the personal guarantees given by the Partners. In addition, the Trustee represents that the interest charged on the Loans will provide the Plans with a fair rate of return.

In making these determinations, the Trustee has examined the overall portfolios for the Plans, considered each Plan's cash flow needs, considered the assets of the Plans that might have to be sold to meet each Plan's liquidity and diversification requirements in light of the proposed investment, and considered the Loans in terms of the manner in which they comport with the Plans' investment policy.

In addition to the duties noted in item 6, the Trustee will monitor the Loans to ensure that the payments under the promissory notes are made in accordance with their terms, inspect the Building and Equipment periodically, ensure that the collateral is kept insured and take all actions that are necessary and proper to enforce the rights of the Plans in the event of a default on the Loans.

11. In summary, it is represented that the proposed transactions will satisfy the conditions of section 408(a) of the Act because: (a) The Loans will represent less than 25 percent of the total assets of each Plan; (b) the Loans will be secured by perfected first security interests in the Receivables and the Equipment, a second Deed of Trust in the Building and an assignment of rents; (c) each of the Partners will personally guarantee the repayment of the Loans in the event the Partnership defaults; (d) the Trustee, which will serve as the independent fiduciary in monitoring the terms of the Loans believes the Loans are appropriate transactions for the Plans and in the best interests of their participants and beneficiaries; and (d) the Trustee will take all appropriate actions that are necessary and proper to enforce the rights of the Plans.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 30th day of October 1984.

Elliot I. Daniel,

Acting Assistant Administrator for Regulations and Interpretations, Office of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc. 84-28938 Filed 11-1-84; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Music Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Chamber/New Music Ensembles Section) to the National Council on the Arts will be held on November 19-21, 1984, from 9:30 a.m.-5:30 p.m., in room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on November 21, from 9:30-11:30 a.m. to discuss policy and guidelines.

The remaining sessions of this meeting on November 19-20, from 9:30 a.m.-5:30 p.m. and on November 21, from 11:30 a.m.-5:30 p.m. are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682-5433.

October 29, 1984.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 84-28886 Filed 11-1-84; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Chemistry; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L.-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Chemistry.

Date and time: November 19–20, 1984; 9:00 am to 5:00 pm each day.

Place: Room 540, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of meeting: Open.

Contact Person: Dr. C. William Kern, Acting Division Director, Division of Chemistry, National Science Foundation, Washington, D.C. 20550, Telephone (202) 357–7947.

Summary minutes: May be obtained from Dr. C. William Kern.

Purpose of Committee: To provide advice and recommendations concerning NSF support for research in chemistry.

Agenda: Open-Discussion of the current status and future plans of the Chemistry Division's activities.

M. Rebecca Winkler,

Committee Management Officer.

October 30, 1984.

[FR Doc. 84-28930 Filed 11-1-84; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Sociology

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Sociology.

Date and time: November 19–20, 1984—Monday—9:00 am to 5:30 pm, Tuesday—9:00 am to 4:00 pm.

Place: National Science Foundation, 1800 G Street NW., Washington, DC, Room 523.

Type of meeting: Closed.

Contact Person: Joanne Miller, Program Director for Sociology or Thomas M. Guterbock, Associate Program Director for Sociology, Room 316, National Science Foundation, Washington, D.C. 20550, Telephone (202) 357–7802.

Purpose of Subpanel: To provide advice and recommendation concerning support for research in the Sociology Program.

Agenda: To review and evaluate proposals and projects as part of the selection process for awards.

Reason for Closing: The proposal being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of the 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Office was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

October 30, 1984.

[FR Doc. 84-28929 Filed 11-1-84; 8:45 am]

BILLING CODE 7555-01-M

DOE/NSF Nuclear Science Advisory Committee; Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: DOE/NSF Nuclear Science Advisory Committee.

Date, time and place: November 17, 1984—9:00 am–6:00 pm; November 18, 1984—9:00 am–4:00 pm; National Science Foundation, 1800 G Street NW., Room 540, Washington, D.C. 20550.

Type of Meeting: Open.

Contact Person: Dr. Harvey B. Willard, Head, Nuclear Science Section, National Science Foundation, Washington, D.C. 20550, 202/357–7933.

Summary Minutes: May be obtained from: Mrs. Shirley Goulart, National Science Foundation, 1800 G Street NW., Room 341, Washington, D.C. 20550.

Purpose of Committee: To provide advice on a continuing basis to both DOE and NSF on the management of and long range planning for basic nuclear science in the United States.

Agenda: Review of December 1983 Long Range Plan for Nuclear Science to maintain up-to-date status of the Plan in view of scientific developments over the last year. Other business.

October 30, 1984.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 84-28928 Filed 11-1-84; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget Review

AGENCY: The Nuclear Regulatory Commission.

ACTION: Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new, revision or extension: Revision.

2. The title of the information collection: Conformance with the Staff Recommendations Concerning Pressurized Water Reactor Steam Generators.

3. The form number, if applicable: Not applicable.

4. How often the collection is required: One time only (non-recurring).

5. Who will be required to ask to report: Pressurized Water Reactor (PWR) licensees and operating license applicants.

6. An estimate of the number of responses: 89.

7. An estimate of the total number of hours needed to complete the requirement or request: 28,100 hours.

8. An indication of whether section 3504(h), Pub. L. 98–511 applies: Not applicable.

9. Abstract: The information to be collected is needed to (1) ensure licensee programs relative to steam generator tube integrity and steam generator tube rupture mitigation are being effectively implemented, and (2) identify the need for further regulatory action.

ADDRESS: Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street, NW., Washington, D.C. 20555.

FOR FURTHER INFORMATION CONTACT: Comments and questions should be directed to the OMB reviewer, Jefferson B. Hill, (202) 395–7340.

Approved: NRC Clearance Officer is R. Stephen Scott, (301) 492–8585.

Dated at Bethesda, Maryland, this 26th day of October 1984.

For The Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 84-28927 Filed 11-1-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-348 and 50-364]

Alabama Power Co.; (Joseph M. Farley Nuclear Plant Unit Nos. 1 and 2); Exemption

I

The Alabama Power Company (the licensee) is the holder of Facility Operating License Nos. NPF–2 and NPF–8 which authorized operation of the Joseph M. Farley Nuclear Power Plant Unit Nos. 1 and 2. These licenses provided, among other things, that they are subject to all rules, regulations and

Orders of the Commission now or hereafter in effect.

The facilities comprise two pressurized water reactors (PWR) at the licensee's site located near the City of Dothan, Alabama.

II

10 CFR Part 20, Appendix A, "Protection Factors for Respirators," establishes protection factors of air-purifying respirators for protection against particulates only. Furthermore, footnote d-2(c) states, "No allowance is to be made for use of sorbents against radioactive gases or vapors." This restriction was needed since an inadequate data base had existed for evaluating the complex interaction of many factors affecting the service life and removal efficiency of radioactive gases and vapors by sorbents canisters. Also, due to the lack of a data base a NIOSH/MSHA certification schedule to ensure that canisters meet acceptable performance criteria has not been established.

However, 10 CFR part 20.103(e) allows an exemption to be authorized by the Commission in lieu of a NIOSH/MSHA certification schedule based on adequate testing, material and performance characteristics. An application by a licensee for this authorization must include a demonstration by testing, or on the basis of reliable test information, that the material and performance characteristics of the equipment are capable of providing the proposed degree of protection under anticipated conditions of use. The licensee makes such an application.

By letter dated January 13, 1984, as supplemented by letters dated February 10 and 13, March 5 and May 8, 1984, the licensee requested an exemption based on 10 CFR 20.103(e) to allow the use of a protection factor of 50 when utilizing radioiodine GNR-I canisters for personnel respiratory protection during scheduled refueling outage work. The licensee cited research data, test results, test protocol and a quality assurance sampling plan that it stated satisfies the recommended qualification process of NUREG/CR-3403. The Commission staff evaluated the information provided by the licensee to support the exemption request. In addition, the Commission staff met with the licensee's representatives, the canister vendor (Mine Safety Appliances Company), and a Commission contract representative from the Los Alamos National Laboratory on April 25, 1984, for in-depth discussions of the licensee's request. The Commission's safety evaluation on this matter relating to the use of a radioiodine protection factor for GMR-I Canisters at Farley 1 and 2 has been issued. The safety evaluation concludes that the licensee's proposed use of radioiodine GMR-I canister with certain usage restrictions and controls can result in significant dose savings over alternative methods while still providing effective protection.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 20.501, an exemption as requested by the licensee's letter of January 13, 1984, supplemented February 10 and 13, March 5, and May 8, 1984, is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. The Commission hereby grants an exemption from the restrictions of 10 CFR Part 20, Appendix A, footnote d-2(c), and authorizes the use of the GMR-I Canister, with restrictions as shown in the Commission staff safety evaluation, at the Joseph M. Farley Nuclear Plant Units 1 and 2. The exemption is subject to amendment by the Commission staff and shall remain in effect until rescinded by Commission staff or superseded by regulation.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of the exemption will have no significant impact on the environment (49 FR 40510), October 16, 1984.

This Exemption is effective upon issuance.

Dated at Bethesda, Maryland, this 23rd day of October 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 84-28979 Filed 11-1-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-261]

Carolina Power and Light Co. (H.B. Robinson Unit No. 2); Exemption

I

The Carolina Power and Light Company (the licensee) is the holder of Facility Operating License No. DPR-23 which authorizes operation of the H. B. Robinson Plant, Unit No. 2 This license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

The facility is a pressurized water reactor at the licensee's site located in Darlington County, South Carolina.

II

On November 19, 1980, the Commission published a revised 10 CFR 50.48 and a new Appendix R to 10 CFR Part 50 regarding fire protection features of nuclear power plants (45 FR 76602). The revised § 50.48 and Appendix R became effective on February 17, 1981. Section 50.48(c) established the schedules for satisfying the provisions of Appendix R. Section III of Appendix R contains fifteen subsections, lettered A through O, each of which specifies requirements for a particular aspect of the fire protection features at a nuclear power plant. One of these fifteen subsections III.G is the subject of this exemption request. III.G specifies detailed requirements for fire protection of the equipment used for safe shutdown by means of separation and barriers (III.G.2).

III

By letter dated March 16, 1982, as supplemented by letter dated April 27, 1982, the licensee requested an exemption in the component cooling water (CCW) pump room from Section III.G.2 of Appendix R. Based on the staff's evaluation, it was recommended that the exemption be denied at this time.

By letter dated April 25, 1984, the licensee provided additional information and proposed modifications to add a partial automatic sprinkler system to protect the CCW pumps and associated cooling. This does not meet the technical requirements of Appendix R, because complete area-wide automatic fire supression coverage is not provided. The acceptability of this alternative measure is addressed below.

IV

The CCW pump room is located in the Auxiliary Building on elevation 246'0" The area is separated from othe plant areas by 3-hour fire rated barriers. Fire protection features in the area consist of early warning smoke detectors, manual hose stations and portable hose stations.

The component cooling water pumps are located on a north-south orientation. Of the end pumps, pump A is redundant to pump C. Pumps A and C are 24 ft from centerline to centerline with approximately 20 ft (12'11") between the closest points of each pump. Only one of the three (3) pumps and one (1) component cooling heat exchanger are required for safe shutdown.

By letter dated April 25, 1984, the licensee proposed to provide a one-hour barrier around the power supply cables to both pumps A and C, to enhance the protection of the component cooling

water pump room and preclude ignition of the power cables to both pumps A and C. In addition, a partial fire suppression system will be installed in the area of the component cooling water pumps and the aisle in front of the pumps.

The partial automatic sprinkler system will be installed to protect the CCW pumps and associated cabling. The combustible loading in the remaining areas of the CCW pump room is low and fire hazards do not exit. If a fire occurred in the non-sprinklered section, the early warning smoke detectors would alert the fire brigade. The partial sprinkler system would prevent a fire from damaging redundant CCW components until the fire brigade could manually extinguish the fire.

It is the staff's opinion that the configuration of the area, combined with the response of the fire brigade, would prevent a fire from growing to a size which would overwhelm the partial sprinkler system. The addition of more sprinkler coverage would not significantly enhance safety. The existing protection with the proposed modifications will provide reasonabale assurance that one safe shutdown division will be free of fire damage and will achieve an acceptable level of fire protection equivalent to that provided by Section III.G.2. Thererfore, the licensee's request for exemption for the CCW pump room should be granted.

V

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption requested by licensee's letter as referenced and discussed in III. and IV. above is authorizd by law, will not endanger life or property or the common defense and security, is otherwise in the public interest, and is hereby granted.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of the exemption will have no significant impact on the environment, August 28, 1984 (49 FR 34111).

This Exemption is effective upon issuance.

Dated at Bethesda, Maryland, this 25th day of October 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 84-28930 Filed 11-1-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-346]

The Toledo Edison Co. and the Cleveland Electric Illuminating Co.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-3, issued to The Toledo Edison Company and the Cleveland Electric Illuminating Company (the licensees), for operation of the Davis-Besse Nuclear Power Station, Unit No. 1, located in Ottawa County, Ohio.

The proposed amendment submitted by application dated September 25, 1981 (Item 1 only), as supplemented through September 26, 1983, was considered for issuance as discussed at 49 FR 17875. Subsequently, the proposed amendment was modified further on September 11, 1984. The proposed amendment would delete valves MS 603A and MS 611A in the steam generator drain lines from the listing of containment isolation valves that must be demonstrated operable by periodic surveillance tests (Table 3.6-2, Part C, Appendix A technical Specifications). The proposed amendment would also remove the restriction to intermittent operation under administrative control applicable to valves MS 603 and MS 611, add an isolation time requirement for these valves, and relocate their listing in Table 3.6-2 from Part C to Part A. Valves MS 603 and MS 611 also are in the steam generator drain lines. The proposed amendment would be effective upon completion of proposed modifications to the steam generator blowdown system.

The original design for the Davis-Besse facility allowed for the periodic draining of the steam generators to control the accumulation of solids in the once-through steam generators (OTSG). The system could also be used for blowdown of the OTSG at power on an intermittent basis under administrative control. An arrangement of two valves in parallel on each OTSG drain line was used to provide for pressure reduction, flow control, and containment isolation. The valves allowed for remote manual operation under administrative control.

To provide improved chemistry control in the OTSG, a new blowdown system is being installed which will permit OTSG blowdown to be used at any power level on a continuous basis, if necessary. The improved circulation from the OTSG to the main condenser and then to the polishing demmeralizers will remove dissolved and suspended solids, and, thereby, improve water quality.

In the new system, valves MS 603A and MS 611A and associated piping will be deleted and valves MS 603 and MS 611 (which were in parallel with MS 603A and MS 611A) will be provided with an automatic steam and feedwater repture control system (SFRCS) closure signal to isolate the OTSG in the event of a loss of main feedwater or a rupture of a main steam line or feedwater line. In the new system, these valves will provide only the containment isolation function described with a maximum isolation time of 80 seconds. A control valve will be installed in each OTSG drain line near the condenser inlet to provide pressure reduction and flow control previously provided by valves MS 603A and MS 611A. With this new system, the drain lines could be full and pressurized up to the control valve at all times when there is no SFRCS signal to valves MS 603 611.

With the new system, portions of lines outside containment, which previously were pressurized only intermittently, can be pressurized continuously at any power level. This change does, therefore, result in an increase in the probability of a rupture of these lines because of the increased amount of time the lines would be pressurized. The consequences of such a rupture, however, are not likely to be altered materially with the new system.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amendead (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in margin of safety.

The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing examples (48 FR 14870). Since the steam generator blowdown piping was analyzed in accordance with the Standard Review Plan 3.6.1 and 3.6.2 and respective Branch Technical

Positions, this amendment is similar to example (vi), a change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan. The Commission therefore proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC. 20555, ATTN: Docketing and Service Banch.

By December 3, 1984, the licensees may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding: and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity: Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John F Stolz: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Gerald Charnoff, Esq., Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036, attorney for the licensees.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Dated at Bethesda, Maryland, this 30th day of October, 1984.

For the Nuclear Regulatory Commission.
John F. Stolz,
Chief, Operating Reactors Branch No. 4, Division of Licensing.
[FR Doc. 84-28978 Filed 11-1-84; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-352]

Philadelphia Electric Co., Limerick Generating Station, Unit No. 1; Issuance of Facility Operating License

Notice is hereby given that the Nuclear Regulatory Commission (the Commission), has issued Facility Operating License No. NPF-27 to the Philadelphia Electric Company (the Licensee), which authorizes operation of the Limerick Generating Station Unit No. 1 (the facility) by Philadelphia Electric Company at reactor core power levels not in excess of 3293 megawatts thermal in accordance with the provisions of the License, the Technical Specifications and the Environmental Protection Plan with a condition currently limiting operation to five percent of rated power (165 megawatts thermal). Authorization to operate beyond five percent of rated power will require specific Commission approval.

The Limerick Generating Station, Unit No. 1, is a boiling water nuclear reactor located on the banks of the Schuylkill River approximately 1.7 miles southeast of the city limits of Pottstown, Pennsylvania and 21 miles northwest of the city limits of Philadelphia, Pennsylvania.

The application for the license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the License. Prior public notice of the overall action involving the proposed issuance of an operating license was published in the Federal Register on August 21, 1981 (46 FR 42557-42558).

The Commission has determined that the issuance of this license will not result in any environmental impacts other than those evaluated in the Final Environmental Statement since the activity authorized by the license is encompassed by the overall action evaluated in the Final Environmental Statement.

For further details in respect to this action, see (1) Facility Operating License NPF-27 complete with Technical Specifications and the Environmental Protection Plan; (2) the interim report of the Advisory Committee on Reactor Safeguards, dated October 18, 1983; (3) the Commission's Safety Evaluation Report, dated August 1983, Supplement No. 1 dated December 1983, Supplement No. 2 dated October 1984, and Supplement No. 3 dated October 1984; (4) the Final Safety Analysis Report and Amendments thereto; (5) the Environmental Report and supplements thereto; and (6) the Final Environmental Statement dated April 1984.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC. 20555, and at the Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464. A copy of Facility Operating License NPF-27 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC. 20555, Attention: Director, Division of Licensing. Copies of the Safety Evaluation Report and its Supplements 1, 2, and 3 (NUREG-0991) and the Final Environmental Statement (NUREG-0974) may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and through the NRC GPO sales program by writing to the U.S. Nuclear Regulatory Commission, Attention: Sales Manager, Washington, DC. 20555. GOP deposit account holders may call (301) 492-9530).

Dated at Bethesda, Maryland, this 26th day of October 1984.

For the Nuclear Regulatory Commission.
A. Schwencer,
Chief, Licensing Branch No. 2, Division of Licensing.
[FR Doc. 84-28361 Filed 11-1-84; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-289-SP (ASLBP 79-429-09-SP)]

Metropolitan Edison Co. (Three Mile Island Nuclear Station, Unit No. 1); Restart Remand on Management; Hearing

October 29, 1984.

Atomic Safety and Licensing Board. Before Administrative Judges: Ivan W. Smith, Chairman; Sheldon J. Wolfe, Alternate Chairman; Gustave A. Linenberger, Jr.

Additional hearings concerning the proposed restart of Three Mile Island Unit No. 1 nuclear reactor will commence at 1:30 p.m. on November 14, 1984 at the Senate Majority Caucus Room 156, Main Capital Building, Harrisburg, Pennsylvania. The hearing is expected to last for several weeks and will continue the week of November 19 at 10:00 a.m. at The Library, Richard's Hall, University Center, 2986 North Second Street, Harrisburg, Pennsylvania.

Issues to be heard relate to the accuracy of information disseminated by officials and employees of Metropolitan Edison Company and General Public Utilities in 1979 and the adequacy of the training of licensed reactor operators at Three Mile Island Unit 1. The public is invited to attend but there will be no general public participation.

Bethesda, Maryland, October 29, 1984.

For the Atomic Safety and Licensing Board.
Ivan W. Smith,
Chairman, Administrative Law Judge.
[FR Doc. 84-28002 Filed 11-1-84; 8:45 am]
BILLING CODE 7590-01-M

[License No. 12-18044-01MD et al.]

Nuclear Pharmacy, Inc.; Order Modifying Licenses (Effective Immediately)

In the Matter of Nuclear Pharmacy, Incorporated, P.O. Box 25141, Albuquerque, New Mexico 87125; License Nos. 12-18044-01MD, 14-19990-01MD, 20-21227-01MD, 37-18461-01MD, 37-19586-01MD, 37-21322-01, 48-17466-01MD, EA 84-100.

I

Nuclear Pharmacy, Incorporated (NPI), P.O. Box 25141, Albuquerque, New Mexico 87125 (the "licensee") is the holder of specific byproduct material licenses issued by the Nuclear Regulatory Commission (the "Commission or NRC") pursuant to 10 CFR Part 30. License No. 12-18044-01MD states that licensed material shall be used only at 319 W. Ontario St., Chicago, Illinois 60610. License No. 14-19990-01MD states that licensed material shall be used only at 1221 Center Street, Suite 9, Des Moines, Iowa 50309. License No. 20-21227-01MD states that licensed material shall only be used at 10-N Roessler Road, Woburn, Massachusetts. Licenses No. 37-18461-01MD and No. 37-21322-01 state that licensed material shall be used only at 31-33 North 2nd Street, Philadelphia, Pennsylvania. License No. 37-19586-01MD states that licensed material shall be used only at 7446 Derry Street, Harrisburg, Pennsylvania. License No. 48-17466-01MD states that licensed material shall be used only at 933 N. Mayfair Road, Wauwatosa, Wisconsin. These licenses, with the exception of License No. 37-21322-01, authorize, among other things, the use of molybdenum-99/technetium-99m [Mo-99/Tc-99m] generators for the production of technetium-99m

pertechnetate. License No. 37–21322–01 authorizes performance of leak tests/instrument calibration as a service to other licensees.

License No. 12–18044–01MD was issued on November 19, 1982 and expires on November 30, 1987 License No. 14–19990–01MD was issued on November 1, 1982 and expires on June 30, 1987 License No. 20–21227–01MD was issued on April 26, 1983 and expires on April 30, 1988. License No. 37–18461–01MD was issued on March 20, 1979 and expires on November 30, 1987 License No. 37–19586–01MD was issued on May 27, 1981 and expires on March 31, 1986. License No. 37–21322–01 was issued on July 13, 1983 and expires on December 31, 1986. License No. 48–17466–01MD was issued on November 16, 1982 and expires on November 30, 1987

II

On May 18, 1984, NPI received at its Chicago facility what was later determined to be a defective molybdenum–99/technetium–99m generator from Medi-Physics. Contrary to NRC requirements, the generator was neither logged-in at the facility nor surveyed upon receipt. On May 18, 19, and 20, a Friday, Saturday, and Sunday, the defective generator was eluted and unit doses and multi-dose vials of labeled technetium-99m radiopharmaceuticals were prepared and distributed. No molybdenum-99 breakthrough tests were performed on the elutions as required by 10 CFR 30.34(g); however, the "elution log" indicated that the tests were performed with normal results. On Saturday morning, May 19, 1984, a multi-dose vial of a technetium-99m radiopharmaceutical was surveyed and showed levels of radiation higher than expected from technetium-99m. the pharmacist, believing the high reading was due to a contaminated shield, placed the vial in a second shield, failed to survey a second time and delivered the radiopharmaceutical to the hospital.

On Monday, May 21, 1984, the faulty generator was again eluted and radiopharmaceuticals were prepared by no molybdenum-99 breakthrough tests were performed. A NPI driver/technician noted extremely high background readings when performing the predelivery wipe test of the package. When the NPI staff at the Chicago facility could not determine the cause of the high readings, the laboratory manager was contacted. He asked about the molybdenum-99 breakthrough test results. When informed that the test had not yet been done, he directed that the test be performed. A breakthrough of about 120–150 microcuries Mo–99 per millicurie Tc–99m was reportedly found. The licensee then secured all radiopharmaceuticals prepared that morning, but did not identify and notify hospitals that had previously been supplied products from the defective generator.

On May 21, 1984, the licensee packaged the faulty generator and returned it to Medi-Physics for evaluation. In a letter to NPI dated June 18, 1984, Medi-Physics confirmed that a molybdenum–99 breakthrough had occurred.

On May 23, 1984, the laboratory manager took disciplinary action by placing an "Employee Warning Report" in the personnel files of the three pharmacists who had failed to assay each elution from the defective Mo–99/Tc–99m generator.

On July 12, 1984, the NPI Director of Radiation Safety and Compliance sent a memorandum to all NPI pharmacy managers reminding them of the need to assay every generator elution for molybdenum-99 breakthrough and to record the results.

III

On June 26, 1984, NRC learned from U.S. Food and Drug Administration that NPI had received a defective molybdenum-99/technetium-99m generator from Medi-Physics. On July 6, 1984, the NRC Region III office (Region III) contacted the manager of the NPI Chicago facility by telephone and was told that the licensee had received a faulty generator, that molybdenum-99 breakthrough tests performed on May 21, 1984 identified the problem and that no molybdenum-99 contaminated doses of technetium-99m were distributed to area hospitals. The laboratory manager stated he would confirm this information in writing. On July 18, 1984, Region III received a letter dated July 12, 1984 from NPI stating, contrary to the previous verbal information, that two hospitals had made reports to them regarding potential Mo-99 contamination above acceptable limits in the prepared technetium-99m products dispensed on Sunday, May 20, 1984. Region III conducted an inspection of the licensee's Chicago facility on July 26, 1984. A review of computer records indicated NPI prepared 26 unit doses and 27 multi-dose vials of radiopharmaceuticals from the faulty generator and distributed them to 24 hospitals between May 18 and 20, 1984.

On July 27, 1984, Region III issued a Confirmatory Action Letter confirming that NPI would (a) notify all hospitals that had received NPI radiopharmaceutical products prepared from the defective generator and (b) submit a report of the NPI analysis of the incident to the Region III office. NPI's Corporate Radiation Safety Officer contacted Region III by telephone of August 2, 1984, and stated that the list of 24 hospitals obtained during the July 26, 1984 inspection was incorrect because an NPI employee had maintained inaccurate logs and computer records. On August 3, 1984, NPI's Corporate Radiation Safety Officer contacted Region III by telephone and provided a revised list of hospitals that had received potentially contaminated NPI radiopharmaceutical products. NPI confirmed the revised list by letter dated August 3, 1984, but stated that, except for the two initially identified hospitals, none of the contaminated radiopharmaceuticals had been administered to patients.

During the period August 8 through August 21, 1984, NRC contacted the hospitals receiving potentially contaminated radiopharmaceuticals. NRC determined that five hospitals had administered contaminated technetium-99m products received from the licensee's Chicago, Illinois facility to twelve patients during the period May 19 through May 21, 1984. On August 23, 1984, Region III conducted an inspection at the NPI Wauwatosa, Wisconsin facility, and on August 28, 1984, Region III conducted an inspection at the NPI Des Moines, Iowa facility. These inspections showed that in some cases NPI had no records to show that molybdenum-99 tests had been performed and in other cases records had been produced that did not reflect actual test results. On September 26 and October 1, 1984, Region I conducted an inspection at NPI's Philadelphia and Harrisburg, Pennsylvania facilities, respectively. These inspections resulted in identification of additional violations of NRC requirements. The results of these inspections of NPI facilities indicate that the licensee has been conducting licensed activities in violation of Commission requirements as described in the attached Statement of Violations.

As a result of the inspections described above, NRC has concluded that NPI failed to perform required tests on radiopharmaceuticals to determine the presence of radioactive impurities and falsified records to indicate such tests had been performed. The purpose of these tests is to prevent unnecessary exposure to patients and radiation workers. Clinical use of radiopharmaceuticals contaminated with molybdenum-99 will cause unnecessary radiation exposures to patients because of the contaminant and

may cause: (a) Additional unnecessary radiation exposures to patients because the tests must be repeated, (b) delays in obtaining diagnostic information, and (c) difficulty in interpreting the test results. Hospitals are not required to perform these tests for radioactive impurities because the pharmacies are required to perform them. Accurate records of these tests are essential to permit pharmacy management to audit compliance with the testing requirements.

Record-keeping problems continued at the Chicago facility even after disciplinary action had been taken by NPI management. These problems also continued at other NRC-licensed NPI pharmacies even after the July 1984 notification from corporate management reminding the pharmacies of the need to do the test. The pervasiveness of the record-keeping problems raises substantial questions about the actual conduct of the molybdenum-99 breakthrough tests and the commitment of the licensee to provide reliable means for local and corporate management to verify that the tests were, in fact, being done. The importance of doing these tests was emphasized in an immediately effective Order issued to all users of technetium-99 generators in 1979. The Order was codified in 10 CFR 30.34[g] of the Commission's regulations. There is a clear safety purpose in doing these tests. The actions of NPI indicate that its management has been either incapable or unwilling to assure that the required tests are performed and the required records are made.

Until NRC became involved in investigating the May 1984 incident, NPI did not contact all of its clients to determine whether contaminated material had actuall been used on patients. Even after NPI began investigating the matter, NPI did not provide the Commission with reliable information.

In summary, NPI's ineffective and belated investigation of the molybdenum-99 breakthrough incident and the pervasiveness of its record-keepmg problems demonstrate a lack of control of licensed activities and, at a minimum, careless disregard for the Commission's safety requirements. I have determined that additional actions are necessary to provide the Commission with reasonable assurance that NPI will comply with Commission requirements. Therefore, I have determined that the public health and safety require that this Order be immediately effective.

V.

Accordingly, pursuant to Sections 81 and 161b of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2, 30, and 35, It is hereby ordered effective immediately that:

A. NPI shall obtain the services of one or more independent organizations to perform, as a minimum, the actions indicated below. The independent organization(s) shall have in-depth knowledge of radiation protection theory and good practice, management of radiation protection programs and radiation protection programmatic quality assurance through a combination of academic training and practical experience of its staff assigned to the task. Within 60 days of the date of this Order, NPI shall submit to NRC, Region III, for approval, the name(s) of the proposed organization[s] including the qualifications of the individuals who will perform the assessment, statements from these individuals regarding the extent to which they have been previously employed by NPI, and a description of the plan to accomplish the actions described below. The organization(s) shall initiate the assessment within 15 days of NRC approval and complete it within 60 days of NRC approval.

The independent organization(s) shall prepare a report that assesses:

1. The qualifications, training and commitment of NPI's employees to perform assigned radiation protection functions.

2. Appropriateness of NPI employee radiation protection assignments; i.e., the proper match of persons and responsibilities.

3. Adequacy of the number of NPI staff assigned to perform licensed activities.

4. Adequacy of NPI operating procedures related to assigned radiation protection functions.

5. Adequacy of NPI records necessary to demonstrate that the radiation protection program is conducted as assigned.

6. Adequacy of NPI's radiation protection quality assurance program by which management at corporate and regional levels assures itself, through an independent system of checks and balances, that the radiation protection program is adequate and being conducted as assigned.

Based on its findings in Items 1–6 above, the independent organization(s) shall, in its report, provide its views as to why the violations described in the attached Statement of Violations occurred, identify programmatic weaknesses which might lead to further violations of NRC requirements and provide recommendations for improvements necessary to assure compliance with NRC requirements. The licensee shall direct the independent organization(s) to submit to the Regional Administrator, Region III, a copy of any report and any drafts thereof, at the same time they are sent to the licensee or any of its employees.

B. Within 30 days after receipt of the independent organization(s) report, NPI shall submit a written response to its conclusions in a report to the Regional Administrator, NRC Region III, and to the Deputy Director, Office of Inspection and Enforcement. NPI's report shall describe how NPI will incorporate and implement recommendations of the independent organization(s) together with a schedule for implementation. If any recommendations are not adopted, NPI shall provide in its report justification for the exclusion.

C. NPI at each of its NRC-licensed facilities shall:

1. Require that two authorized users be present whenever licensed activities are conducted to verify that all NRC-licensed activities are conducted in accordance with regulatory requirements and the provisions of this Order.

2. Require that the two authorized users independently verify (1) the performance of all tests, assays, and surveys of NPI radiopharmaceutical products and product packages as required by the NRC license and (2) that accurate records of the results are prepared. The authorized users shall, by signature, note each verification and shall complete the verification prior to any material leaving the facility.

3. Require that the manager perform a weekly audit of all NRC-licensed activities. The audit shall include a record of what was audited and the results of the audit. The audit shall verify, on a sampling basis, that required surveys, measurements, and tests were performed and that records accurately reflect the results of the surveys, measurements, and tests.

4. Notify NRC within 24 hours after identification of any unusual occurrences including those identified by any internal or external audit involving NRC-licensed material such as, but not limited to, molybdenum-99 breakthrough and any reports from clients that identify problems with radiopharmaceuticals supplied by NPI or with excessive radiation levels or surface contamination on packages supplied by NPI.

The requirements of Paragraph C shall be implemented no later than 7 days after the date of issuance of this Order.

D. At least once every 14 days, an audit of all NRC-licensed activities shall

be performed at each NRC-licensed NPI facility by an individual or organization independent of NPI. The name and qualifications of the proposed auditor shall be submitted to the Regional Administrator, Region III, for approval within 14 days of the date of this Order. The audits shall commence within 14 days of NRC approval and shall consist of unannounced visits, including during early morning hours and weekends, and shall include actual observation of NPI staff members at work. The audit shall verify that all required surveys, measurements, and tests were performed and that records accurately reflect the results of the surveys, measurements, and tests. Written results of the audits shall be submitted to NPI and the Regional Administrator, NRC Region III within two working days following completion of each audit. These audits shall continue until the report required by Section V.B of this Order is submitted to NRC by NPI and NRC determines the acceptability and adequacy of the proposed improvements.

E. The Regional Administrator, Region III, may for good cause relax or rescind all or part of the above conditions upon written request by the licensee.

VI

The licensee or any other person whose interest is adversely affected by this Order may request a hearing on this Order. Any request for hearing shall be submitted to the Deputy Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, within 25 days of the date of this Order. A copy of the request also shall be sent to the Executive Legal Director at the same address and to the Regional Administrator, Region III, 799 Roosevelt Road, Glenn Ellyn, Illinois 60137 A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is to be held concerning this Order, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order shall be sustained.

Dated at Bethesda, Maryland, this 26th day of October 1984.

For the Nuclear Regulatory Commission.

James M. Taylor,

Deputy Director, Office of Inspection and Enforcement.

Attachment—Statement of Violations

Nuclear Pharmacy, Incorporated, P.O. Box 25141, Albuquerque, New Mexico 87125, License Nos. 12–18044–01MD, 14–19990–01MD, 20–21227–01MD, 37–18461–01MD, 37–19586–01MD, 37–21322–01, 48–17466–01MD; EA 84–100.

Chicago, Illinois Facility (License No. 12–18044–04MD)

A. 10 CFR 30.34(g) requires that each licensee preparing technetium-99m radiopharmaceuticals from molybdenum-99/technetium-99m generators test the generator eluates for molybdenum-99 breakthrough in accordance with procedures specified in 10 CFR 35.14(b)(4) (i) through (iv).

Contrary to the above, on May 18, 19, and 20, 1984, generators were eluted amd molybdenum-99 breakthrough tests were not performed. This resulted in twelve patients at five area hospitals being administered technetium-99m contaminated with molybdenum-99 in excess of regulatory limits. In addition, licensee personnel admitted that records were falsified to indicate that the tests were performed and breakthrough levels were within acceptable limits.

B. License Condition No. 24 requires that all licensed material be possessed and used in accordance with statements, representations and procedures contained in application dated July 15, 1981, and other referenced documents. This application states that all radioactive material that is received will be surveyed (GM and wipe tests) and the results logged.

Contrary to the above, molybdenum-99/technetium-99m generators received on May 18, 1984 were neither surveyed nor logged.

C. 10 CFR 71.5 requires that no licensee shall transport any licensed material outside of the confines of its plant or other place of use, or deliver any licensed material to a carrier for transport, unless the licensee complies with the applicable requirements of the regulations appropriate for the mode of transport of the Department of Transportation in 49 CFR Parts 170 through 189 insofar as such regulations relate to the packaging of byproduct, source or special nuclear material, marking and labeling of the packages, loading and storage of the packages, placarding of the transportation vehicle, monitoring requirements and accident reporting.

49 CFR 172.403 (a) and (b) require and define proper labeling to be applied to packages containing radioactive material.

49 CFR 172.403(c) defines label categories and requires, in part, that (1) packages with surface radiation levels of less than 0.5 millirem per hour be labeled "White I," (2) packages with surface radiation levels between 0.5 and 50.0 millirem per hour be labeled "Yellow II," and (3) packages with surface radiation levels over 50.0 millirem per hour be labeled "Yellow III."

Contrary to the above, packages containing radioactive material were improperly labeled and transported outside the confines of the licensee's facility. Specifically, on May 19, 1984, the licensee delivered two packages containing radioactive material with surface radiation levels in excess of 200 millirem per hour to Weiss Hospital in Chicago and the packages were labeled "White I." In addition, on May 20, 1984, the licensee delivered one package containing radioactive material with a surface radiation level of 80 millirem per hour to the Imaging Center in Oak Lawn, Illinois and the package was labeled "Yellow II." The radiation levels described above were measured by the two recipients at the time they received packages containing radioactive materials from NPI.

D. License Condition No. 10 requires that licensed material only be used at 319 West Ontario Street, Chicago, Illinois.

Contrary to the above, an NPI pharmacist only authorized to use material at the West Ontario Street facility prepared and dispensed a unit dose of technetium-99m sulfur colloid at a hospital in Elgin, Illinois.

Des Moines, Iowa Facility (License No. 14–19990–01MD)

A. 10 CFR 30.34(g) requires that each licensee preparing technetium-99m radiopharmaceuticals from molybdenum-99/technetium-99m generators test the generator eluates for molybdenum-99 breakthrough in accordance with procedures specified in 10 CFR 35.14(b)(4) (i) through (iv).

10 CFR 35.14(b)(4)(iv) requires that Group III licensees (those allowed to use generators and reagent kits for the preparation of radiopharmaceuticals) maintain for 3 years, for Commission inspection, records of the molybdenum-99 test conducted on each elution from the generator.

Contrary to the above, as of August 28, 1984 the licensee in some cases maintained no records of molybdenum-99 tests and in other cases falsified records by recording data that did not reflect the actual results of molybdenum-99 tests on generator eluates.

B. License Condition No. 23 requires that licensed material be possessed and used in accordance with statements, representations and procedures contained in a letter dated May 19, 1982 and other referenced documents. A

letter dated May 19, 1982 (Item 7.b) states that bioassays for iodine uptake will be performed once every two weeks.

Contrary to the above, bioassays of NPI employees were not performed between February 15 and March 23, 1984, and were performed only once in May and June of 1984 (all periods exceeding the required two week frequency).

Wauwatosa, Wisconsin Facility (License No. 48-17446-01MD)

A. 10 CFR 30.34(g) requires that each licensee preparing technetium-99m radiopharmaceuticals from molybdenum-99/technetium-99m generators test the generator eluates for molybdenum-99 breakthrough in accordance with procedures specified in 10 CFR 35.14(b)(4) (i) through (iv).

10 CFR 35.14(b)(4)(iv) requires that Group III licensees maintain for 3 years, for Commission inspection, records of the molybdenum-99 test conducted on each elution from the generator.

Contrary to the above, as of August 23, 1984 the licensee in some cases maintained no records of molybdenum-99 tests and in other cases falsified records by recording data that did not reflect the actual results of molybdenum-99 tests on generator eluates.

Philadelphia, Pennsylvania Facility (License No. 37-18461-01MD)

A. License Condition No. 24 requires that licensed material be possessed and used in accordance with statements, representations and procedures contained in an application dated July 15, 1981 and other referenced documents.

1. Item 6.A of the July 15, 1981 application requires that the molybdenum-99 breakthrough results be recorded on the radiopharmaceutical product worksheet.

Contrary to the above, from January 1, 1984 to September 27, 1984 for approximately 70 percent of the molybdenum-99/technetium-99 generator elutions there was no entry for molybdenum-99 breakthrough on the radiopharmaceutical product worksheet. During the period September 1, 1984 to September 27, 1984 there were approximatley 204 elutions and only 80 entries for molybdenum-99 breakthrough results on the worksheet.

2. Item 15 of the July 15, 1981 application requires that Transport Index surveys be performed on all outgoing packages.

Contrary to the above, on September 26, 1984 outgoing packages with Radioactive White I labels were not surveyed at three feet to determine the Transport Index.

3. Item 14 of the July 15, 1981 application requires that the exposure rate be measured at three feet from the surface of each incoming package.

Contrary to the above, on September 26, 1984 the exposure rate was not measured at three feet from the surface of incoming packages.

4. Item 8 of the July 15, 1981 application requires that an annual refresher training course be given to the employees.

Contrary to the above, as of September 26, 1984 the last refresher training course for drivers was on January 1, 1983. Therefore, a period of more than one year has elapsed since the last refresher course.

B. 10 CFR 20.205(d) requires that each licensee establish and maintain procedures for safely opening packages in which licensed material is received and assure that such procedures are followed.

Item 14 of the licensee's procedures that were submitted with the application dated July 15, 1981 requires that a wipe test be performed on each package and any wipeable contamination in excess of 0.01 microcuries be reported to the Radiation Safety Officer immediately.

Contrary to the above, on September 26, 1984 a wipe test was made on the exterior surfaces of packages that were received by the licensee and when a reading in excess of 0.01 microcuries was measured, it was not reported to the Radiation Safety Officer.

C. 10 CFR 20.201(b) requires that each licensee make such surveys as may be necessary to comply with all sections of Part 20. As defined in 10 CFR 20.201(a), "survey" means an evaluation of the radiation hazards incident to the production, use, release, disposal, or presence of radioactive materials or other sources of radiation under a specific set of conditions.

Contrary to the above, as of September 26, 1984 the licensee had not, in all cases, made adequate surveys (evaluations) to assure compliance with 10 CFR 20.101 in that the licensee did not evaluate whole body and extremity doses for individuals when their badges were not processed by the film badge supplier. Specifically, the July 1984 whole body dose was not evaluated by the licensee for one individual whose film badge was not processed by the supplier and extremity doses were not evaluated for another individual for the periods January 23 to February 5, 1984 and August 6 to 19, 1984 when ring badges were not processed by the supplier.

Harrisburg, Pennsylvania Facility (License No. 37-19586-01MD)

A. License Condition No. 25 requires that licensed material be possessed and used in accordance with the statements, representations and procedures contained in an application dated October 24, 1980 and various letters.

Item 15 of the October 24, 1980 application requires that all personnel monitor their hands, feet and clothing prior to leaving a restricted area.

Contrary to the above, on October 1, 1984 personnel leaving the restricted area did not monitor their hands, feet and clothing prior to leaving.

B. 10 CFR 71.5(a) requires that no licensee deliver any licensed material to a carrier for transport without complying with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation in 49 CFR Parts 170-189.

49 CFR 173.475(i) requires that before shipment of any radioactive materials package, the shipper assure, by appropriate test, that external radiation and contamination levels are within specified limits.

Contrary to the above, on October 1, 1984, external radiation surveys were not made on packages labeled "Radioactive White I" to ensure that external radiation levels were within the specified limits.

[FR Doc. 84-29570 Filed 11-1-84; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-271]

Vermont Yankee Nuclear Power Corp., Vermont Yankee Nuclear Power Station; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of Appendix E to 10 CFR Part 50 to the Vermont Yankee Nuclear Power Corporation (the licensee) for the Vermont Yankee Nuclear Power Station, located at the licensee's site in Windham County, Vermont.

Environmental Assessment

Identification of Proposed Action

The exemption relates to Section IV.F.2 of Appendix E to 10 CFR Part 50 which requires that each licensee at each site shall annually exercise its emergency plan. By letter dated August 6, 1984, the licensee requested that an

event that occurred on June 15, 1984 be allowed to substitute for the planned November 1984 on-site exercise. The event resulted in complete implementation of its emergency plan to the Alert level.

The Need for the Proposed Action

Section 50.54(q) of 10 CFR Part 50 requires a licensee authorized to operate a nuclear power reactor to follow and maintain in effect emergency plans which meet the standards of 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR Part 50. Section IV.F.2 of Appendix E requires that each licensee at each site shall annually exercise its emergency plan. The event that occurred on June 15, 1984 resulted in complete implementation of the Vermont Yankee Emergency Plan to the Alert level. An additional exercise of the emergency plan beyond the annual frequency required by Section IV.F.2 of Appendix E would be a significant expenditure of resources beyond the requirements of 10 CFR Part 50.

Environmental Impacts of the Proposed Action

The proposed exemption only affects the conduct of the annual emergency preparedness exercise and does not affect the risk of facility accidents. Thus, post-accident radiological releases will not be greater than previously determined nor does the proposed exemption otherwise affect radiological plant effluents, nor any significant occupational exposures. Likewise, the exemption does not affect nonradiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant radiological or nonradiological impacts associated with the proposed exemption.

Since we have concluded that there is no measurable environmental impact associated with the proposed exemption, any alternatives will either have no environmental impact or greater environmental impact. The principal alternative to the exemption would be to require literal compliance with Section IV.F of Appendix E to 10 CFR Part 50. Such an action would not enhance the protection of the environment and would result in unnecessary expenditure of resources to participate in the exercise.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in connection with the Final Environmental Statement related to this facility (Final Environmental Statement—Vermont Yankee Nuclear Power Station, July 1972).

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request dated August 6, 1984. The NRC staff did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed license amendment.

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the request for exemption dated August 6, 1984, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301.

Dated at Bethesda, Maryland, this 31st day of October 1984.

For the Nuclear Regulatory Commission.

Gus C. Lainas,

Assistant Director for Operating Reactors, Division of Licensing.

[FR Doc. 84-29070 Filed 11-1-84; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Defense Policy Advisory Committee on Trade; Meeting and Determination of Closing of Meeting

The meeting of the Defense Policy Advisory Committee for Trade Policy Matters (the Advisory Committee) to be held Friday, November 30, 1984, from 9:30 a.m. to 4:00 p.m. in Washington, D.C., will involve a review and discussion of trade negotiations and other matters involving the trade policy of the United States. Pursuant to Section 2155(f)(2) of Title 19 of the United States Code, I have determined that this meeting will be concerned with matters the disclosure of which would seriously compromise the Government's negotiating objectives or bargaining positions.

More detailed information can be obtained by contacting Phyllis O. Bonanno, Director, Office of Private Sector Liaison, Office of the United States Trade Representative, Executive Office of the President, Washington, D.C. 20506.

William E. Brock,

United States Trade Representative.

[FR Doc. 84-28890 Filed 11-1-84; 8:45 am]

BILLING CODE 3190-01-M

Request for Public Comments; Certain Single Handle Faucets

On October 24, 1984, the United States International Trade Commission referred to the President for review its determination that there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, and in the sale, of certain ball design handles for single handle faucets (including complete or partial single handle faucet assemblies incorporating that design) the configuration of which is the same as or confusingly similar to that found by the Commission to be a common law trademark. The Commission found that the importations in question have the tendency to injure substantially an efficiently and economically operated United States industry. The Commission directed the U.S. Customs Service to exclude from entry into the United States ball design handles for single handle faucets (including complete or partial single handle faucet assemblies incorporating such handles) the configuration of which infringes the common law trademark, with or without the marking "Delta" and packaging depicting the product in question.

Under section 337(g), the President, for policy reasons, may disapprove the Commission's determination within sixty days following receipt of the determination and record. If disapproved by the President, the determination, and any order issued under its authority, would be without force or effect. The President also may approve the determination, making it, and any order issued under its authority, final on the date the Commission receives notice. The determination and related orders become final automatically following the sixty day review period, if the President has not disapproved.

Interested parties may submit comments concerning foreign or domestic policy issues that should be considered by the President in making his decision regarding this case. Parties commenting on domestic policy issues should refer to the portion of the Commission's record related to that issue. Parties should provide a rationale if the domestic policy issue was not raised before the Commission.

Comments of more than 15 letter-sized pages, including attachments will not be accepted. Twenty copies of the submission must be provided. Comments must be delivered by the close of business, Wednesday, November 21, 1984, to the Secretary, Trade Policy Staff Committee, 600 17th Street, NW., Washington, D.C. 20506. For further information, call Alice Zalik, (202) 395-3432.

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

[FR Doc. 84-28888 Filed 11-1-84; 8:45 am]

BILLING CODE 3190-01-M

SMALL BUSINESS ADMINISTRATION

California; Region IX Advisory Council; Public Meeting

The Small Business Administration Region IX Advisory Council, located in the geographical area of San Francisco, California, will hold a public meeting at 2:00 p.m., Tuesday, November 20, 1984, 211 Main Street—5th Floor—Conference Room 543, San Francisco, California, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call Lawrence J. Wodarski, District Director, U.S. Small Business Administration, 211 Main Street—4th Floor, San Francisco, California 94105, (415) 974-0642.

Jean M. Nowak,

Director, Office of Advisory Councils.

October 29, 1984.

[FR Doc. 84-28938 Filed 11-1-84; 8:45 am]

BILLING CODE 8025-01-M

Pennsylvania; Region III Advisory Council; Public Meeting Cancellation

Public Meeting for the Small Business Administration Region III Pittsburgh Advisory Council, has been cancelled for November 7, 1984, and will be rescheduled.

For further information, write or call J. M. Kopp, District Director, U.S. Small Business Administration, 960 Penn Avenue, Pittsburgh, Pennsylvania 15222. Telephone: (412) 722-4306.

Jean M. Nowak,

Director, Office of Advisory Councils.

October 29, 1984.

[FR Doc. 84-28939 Filed 11-1-84; 8:45 am]

BILLING CODE 8025-01-M

Illinois; Region V Advisory Council; Public Meeting

The Executive Committee of the U.S. Small Business Administration Region V Advisory Council, located in the geographical area of Chicago, Illinois, will hold a public meeting at 10:00 a.m., Thursday, December 13, 1984, Room 3883 of the Kluczynski Federal Building, 230 S. Dearborn Street, Chicago, Illinois, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call Richard D. Durkin, Regional Administrator, U.S. Small Business Administration, 230 S. Dearborn Street, Chicago, Illinois 60604, 312/0357

Jean M. Nowak,

Director, Office of Advisory Councils.

October 29, 1984.

[FR Doc. 84-28937 Filed 11-1-84; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Flight Safety Foundation; Aircraft Cabin Safety Conference and Workshop meeting

AGENCY: Federal Aviation Administration.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and agenda of the forthcoming Aircraft Cabin Safety Conference and Workshop scheduled by the Flight Safety Foundation (FSF) under the sponsorship of the Federal Aviation Administration. The purpose of the conference and workshop is to discuss the status of aircraft cabin safety, accomplishments to date, and what still needs to be done. Suggestions which are developed in the working group meetings will subsequently be presented to the Federal Aviation Administration in the form of proceedings with recommendations.

DATE: December 11, 1984 early registration 6:00 p.m.; get-acquainted reception, 7:00 p.m. to 10:30 p.m., December 12, 1984, Registration 8:00 a.m., Opening Session 8:30 a.m. to 5:00 p.m., December 13, 1984, 8:30 a.m. to 5:00 p.m., December 14, 1984, 8:00 a.m. to 3:30 p.m.

ADDRESS: Sheraton National Hotel, Columbia Pike and Washington Blvd., Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Wood, Flight Safety Foundation, Inc., 5510 Columbia Pike, Arlington, Virginia, 22204-3194 (703/820-2777) or Mr. John Mac Kinnon, Federal Aviation Administration, ASF-100, 800 Independence Ave., SW., Washington, D.C. 20591 (202/755-8088).

SUPPLEMENTARY INFORMATION: The conference sessions will be devoted to:

- SESSION I—"Overview Aircraft Occupant Safety Problems," an examination of the record thus far by speakers from the U.S. National Transportation Safety Board, the United Kingdom and Transport Canada.
- SESSION II—"Cabin Safety Initiatives," a discussion of present and proposed initiatives by representatives of the Government, industry and academia.
- SESSION III—"Inflight Occupant Protection," a report on the current status of programs in this area and problems still to be resolved. Topics to be considered include turbulence, protective breathing, and inflight fire.
- SESSION IV—"Crash and Fire Protection," including discussions on airframe structual integrity and design criteria, occupant restraint, seat integrity, human tolerance in a crash environment and post-crash fire.
- SESSION V—"Evacuation and Survival," factors to be considered include aircraft configuration, crew training, human tolerance to fire, smoke and toxicity, water survival and passenger education.
- SESSION VI—"Economic and Regulatory Considerations," including the rulemaking process and the economics of safety.

The chairpersons of the sessions on "Inflight Occupant Protection," "Crash and Fire Protection" and "Evacuation and Survival" will also serve as a chairperson of the three coinciding working group meetings, which will begin at 11:30 a.m. on December 13, 1984.

Reports by the working groups chairpersons will be presented in the final session on December 14, 1984.

The conference and working group meetings are intended primarily for aircraft flight and cabin crews, manufacturers, aviation managers, behavioral scientists and Government representatives.

Registration fee for the conference/workshop (including two luncheons) will be $75.00 per person.

Issued in Washington, D.C., on October 25, 1984.

William R. Fromme,

Director of Aviation Safety, Federal Aviation Administration.

[FR Doc. 84-28377 Filed 11-1-84; 8:45 am]

BILLING CODE 4910-13-M

UNITED STATES INFORMATION AGENCY

New Directions Advisory Committee; Meeting

The New Directions Advisory Committee will conduct a meeting in Room 800, 301 4th Street, SW., on November 15, 1984, from 2:30 to 5:30 p.m.

The meeting will be closed to the public because it will involve a discussion of classified information relating to U.S. policies and public diplomacy programs on East-West relations. (5 U.S.C. 552b(c)(1)) Premature disclosure of this information is likely to significantly frustrate implementation of proposed Agency action because there will be a discussion of future Agency policy and programs. (5 U.S.C. 522b(c)(9)(B))

Determination to Close New Directions Advisory Committee Meeting of November 15, 1984

Based on the information provided to the United States Information Agency by the New Directions Advisory Committee, I hereby determine that the meeting scheduled by the Committee for November 15, 1984 may be closed to the public.

The Committee has requested that its November 15 meeting be closed because it will involve a discussion of classified information relating to U.S. policies and public diplomacy programs on East-West relations. (5 U.S.C. 552b(c)(1)) Premature disclosure of this information is likely to frustrate significantly the implementation of proposed Agency action because there will be a discussion of future Agency policy and programs. (5 U.S.C. 552b(c)(9)(B))

Dated: October 29, 1984.

Charles Z. Wick,

Director.

[FR Doc. 84-28872 Filed 11-1-84; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 214
Friday, November 2, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

CIVIL AERONAUTICS BOARD

[M-413 amdt 2; October 25, 1984]

Notice of additions to the October 25, 1984 meeting

TIME AND DATE: 10:00 a.m. open, 2:30 p.m. closed, October 25, 1984.

PLACE: Room 1027 (open), Room 1012 (closed), 1825 Connecticut Avenue, NW, Washington, DC 20428.

SUBJECT:

19a. Docket 42410, Application of Eastern Air Lines for Discussion Authority. (Memo 2456-C, BDA, OGC)
37. Report on Japan. (BIA)
38. Report on France. (BIA)
39. Update on Peru. (BIA)

STATUS: 19a open, 37-39 closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 84-28385 Filed 10-30-84; 4:53 pm]
BILLING CODE 6320-01-M

2

INTER-AMERICAN FOUNDATION

TIME AND DATE: November 8, 1984, 6:00-9:00 p.m., November 9, 1984, 9:00 a.m.-12:00 p.m.

PLACE: 1515 Wilson Boulevard, Fifth Floor, Rosslyn, Virginia 22209.

STATUS: Open, except for a short executive session for the approval of the minutes of the executive session of June 15, 1984.

MATTERS TO BE CONSIDERED:

November 8, 1984

1. Chairman's Report
2. President's Report

November 9, 1984

3. Review of the Implementation of the Consultants' Recommendations
4. Report of the Audit Committee
5. Approval of Minutes of Executive Session of June 15, 1984, (approval taking place in executive session)
6. Other Business

CONTACT PERSON FOR MORE INFORMATION: Steve Abrams, (703) 841-3812.

Dated: October 29, 1984.
Alejandro J. Palacios,
Sunshine Act Officer.

[FR Doc. 84-28303 Filed 10-31-84; 2:23 pm]
BILLING CODE 7025-01-M

3

NATIONAL COUNCIL ON THE HANDICAPPED

TIME AND DATE: 9:30 a.m.-5:00 p.m., November 12, 1984, 10:00 a.m.-5:00 p.m., November 13, 1984, 9:00 a.m.-4:00 p.m., November 15, 1984.

PLACE: South Carolina Vocational Rehabilitation Dept., Landmark Center (Room 301), 3600 Forest Drive, Columbia, SC 29240.

STATUS: Open Meeting.

MATTERS TO BE CONSIDERED:

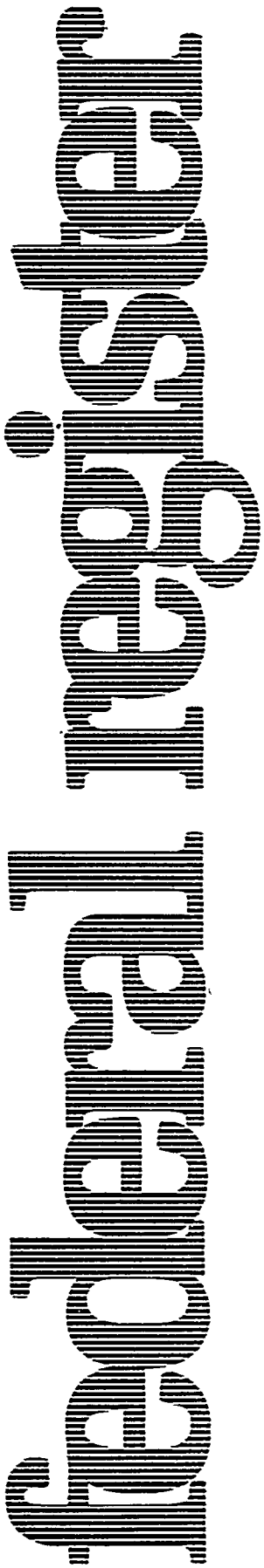
General Business Including:
Approval of Draft Minutes
Standing Committee Reports
Input from Consumers on Disability Issues

PLEASE NOTE: Any person requiring an interpreter or other special services, please contact NCH Staff no later than November 7, 1984.

CONTACT FOR MORE INFORMATION: John A. Doyle, Acting Executive Director, NCH (202) 453-3846.

John A. Doyle,
Acting Executive Director, National Council on the Handicapped.

[FR Doc. 84-28304 Filed 10-31-84; 11:51 am]
BILLING CODE 6820-SS-M



Friday
November 2, 1984

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions, Notice

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 5.1 (including the statutes listed at 36 FR 306 (1970) following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations. Procedure for Predetermination of Wage Rates, 48 FR 19533 (1983) and of Secretary of Labor's Orders 9–83, 48 FR 35736 (1983), and 6–84, 49 FR 32473 (1984). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 5.1 (including the statutes listed at 36 FR 306 (1970) following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations. Procedure for Predetermination of Wage Rates, 48 FR 19533 (1983) and of Secretary of Labor's Order 6–84, 49 FR 32473 (1984). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Program Operations, Division of Government Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the Federal Register are listed with each State.

California: CA84-5022	Oct. 5, 1984.
Florida: FL84-3038	Sept. 28, 1984.
Georga:	
GA83-1002	Jan. 21, 1983.
GA82-1058	Oct. 8, 1982.
Kentucky: KY84-1003	Jan. 9, 1984.
Michigan: MI82-2042	July 9, 1982.
Nevada:	
NV84-5012	May 18, 1984.
NV83-5121	Sept. 23, 1983.
NV84-5014	June 8, 1984.
New York: NY84-3036	Sept. 14, 1984.
Ohio:	
OH83-5122	Nov. 25, 1983.
OH83-5127	Dec. 23, 1983.
Oklahoma: OK84-4050	Sept. 7, 1984.
Oregon: OR84-5020	June 22, 1984.
Pennsylvania: PA84-3013	May 11, 1984.
Rhode Island: RI83-3042	Aug. 19, 1983.
Tennessee: TN84-1024	Aug. 31, 1984.
Vermont: VT84-3029	Sept. 28, 1984.
Wisconsin:	
WI84-5038	Oct. 19, 1984.
WI83-2041	May 13, 1983.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the Federal Register are listed with each State.

Supersedeas decision numbers are in parentheses following the number of the decisions being superseded.

Nebraska: NE82-4040 (NE84-4103)	Aug. 6, 1982.
Wisconsin:	
WI83-2061 (WI84-5027)	Aug. 5, 1983.
WI83-2079 (WI84-5033)	Oct. 7, 1983.
WI83-2080 (WI84-5034)	Do.

Signed at Washington, D.C., this 26th day of October 1984.

James L. Valin,

Assistant Administrator.

BILLING CODE 4510-27-M

MODIFICATIONS P 1

DECISION NO. CA84-5022 -Mod.#1
(49 FR 39416 - October 5, 1984)
Alameda, Alpine, Amador Counties, etc , California

Add:
Tulare County to list of Counties for Heavy and Highway construction only
Carpenters:

	Basic Hourly Rates	Fringe Benefits
Area 5 (Residential):	$	
Carpenters	$18 68	$6 455
Hardwood Floorlayers; Shinglers; Power Saw Operator; Steel Scaffold Erector & Steel Shoring Erectors; Saw Filers	18 83	6 455
Area 6 (Residential):		
Carpenters	16 65	6 455
Hardwood Floorlayers; Shinglers; Power Saw Operator; Steel Scaffold Erector & Steel Shoring Erectors; Saw Filers	16 80	6 455

AREA DESCRIPTION:
Area 5 (Residential):
Alameda, Contra Costa, Marin, San Benito, San Mateo, Santa Clara & Solano Counties
Area 6 (Residential):
Napa and Sonoma Counties

DECISION NO. FL84-3038-Mod. 41
(49 FR 38444-September 28, 1984)
BUILDING CONSTRUCTION-MARTIN & PALM BEACH COUNTIES IN FLORIDA

CHANGE:

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS	$13.95	1.39

DECISION No. GA83-1002
MOD #6
(48FR 2930- January 21, 1983)
CLAYTON, DEKALB, & FULTON Counties, GEORGIA

CHANGE:

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	14 75	2 35

DECISION No. GA82-1059
MOD # 4
(47 FR 44664- October 8, 1982)
CHATHAM County, GEORGIA

CHANGE:

	Basic Hourly Rates	Fringe Benefits
ELECTRICIANS	14 75	1 95+ 3 3%

DECISION NO. KY84-1003
Mod # 5
(49 FR 9057 - January 9, 1984)
McCracken County, Kentucky

CHANGE:

	Basic Hourly Rates	Fringe Benefits
ROOFERS	$ 9 55	.30

MODIFICATIONS P 2

DECISION NO. MI82-2042 - Mod. #8
(47 FR 29976 - July 9, 1982)
Statewide, Michigan

Omit:
Laborers: Open Cut Construction
Laborers: Tunnel, Shaft + Caisson Construction
Add:
Laborers: Open Cut Construction:
Contracts over $400,000:

	Basic Hourly Rates	Fringe Benefits
Zone 1:		
Class 1	$12 34	$4 14
Class 2	12 42	4 14
Class 3	12 47	4 14
Class 4	12 53	4 14
Class 5	12 58	4 14
Zone 2:		
Class 1	12 03	2 54
Class 2	12 12	2 54
Class 3	12 17	2 54
Class 4	12 22	2 54
Class 5	12 27	2 54
Zone 3:		
Class 1	12 07	2 54
Class 2	12 17	2 54
Class 3	12 27	2 54
Class 4	12 32	2 54
Class 5	12 43	2 54
Zone 4:		
Class 1	11 66	2 54
Class 2	11 77	2 54
Class 3	11 87	2 54
Class 4	11 92	2 54
Class 5	12 02	2 54
Zone 5:		
Class 1	12 07	2 54
Class 2	12 17	2 54
Class 3	12,27	2 54
Class 4	12 32	2 54
Class 5	12 43	2 54
Zone 6:		
Class 1	11 62	2 99
Class 2	11 72	2 99
Class 3	11 82	2 99
Class 4	11 87	2 99
Class 5	11 93	2 99
Zone 7:		
Class 1	11 93	2 54
Class 2	12 09	2 54
Class 3	12 19	2 54
Class 4	12 24	2 54
Class 5	12 34	2 54

DECISION NO. MI82-2042 (CON.)

Add (Cont'd):	Basic Hourly Rates	Fringe Benefits
Laborers: Open Cut Construction (Cont'd):		
Zone 8:		
Class 1	$10 75	$2 54
Class 2	10 85	2 54
Class 3	10 95	2 54
Class 4	11 00	2 54
Class 5	11 11	2 54
Zone 9:		
Class 1	9 91	2 54
Class 2	10 02	2 54
Class 3	10 12	2 54
Class 4	10 17	2 54
Class 5	10 27	2 54
Zone 10:		
Class 1	9 55	2 54
Class 2	9 66	2,54
Class 3	9 76	2 54
Class 4	9 81	2 54
Class 5	9,91	2 54
Zone 11:		
Class 1	10 88	2,54
Class 2	10 98	2 54
Class 3	11 09	2 54
Class 4	11 14	2 54
Class 5	11 19	2 54
Laborers: Tunnel, Shaft & Caisson Construction: Contracts over $400,000:Zone 1		
Class 1	12 46	4 14
Class 2	12 55	4 14
Class 3	12 60	4 14
Class 4	12 75	4 14
Class 5	12 96	4 14
Class 6	13 22	4 14
Zone 2:		
Class 1	13 01	2 54
Class 2	13 10	2 54
Class 3	13 15	2 54
Class 4	13 30	2 54
Class 5	13 51	2 54
Class 6	13 76	2 54
Zone 3:		
Class 1	12 56	2 99
Class 2	12 65	2 99
Class 3	12 70	2 99
Class 4	12 85	2 99
Class 5	13 06	2 99
Class 6	13 31	2 99

MODIFICATIONS P 3

DECISION NO. MI82-2042 (Cont'd)	Basic Hourly Rates	Fringe Benefits
Add (Cont d):		
Laborers: Open Cut Construction:		
Contracts $400,000 or less:		
Zone 1:		
Class 1	$11 09	$4 14
Class 2	11 17	4 14
Class 3	11 22	4 14
Class 4	11 28	4 14
Class 5	11 33	4 14
Zone 2:		
Class 1	10 28	2 54
Class 2	10 37	2 54
Class 3	10 42	2 54
Class 4	10 47	2 54
Class 5	10 52	2 54
Zone 3:		
Class 1	10 07	2 54
Class 2	10 17	2 54
Class 3	10 27	2 54
Class 4	10 32	2 54
Class 5	10 43	2 54
Zone 3A:		
Class 1	10 31	2 54
Class 2	10 42	2 54
Class 3	10 52	2 54
Class 4	10 57	2 54
Class 5	10 67	2 54
Zone 4:		
Class 1	9 66	2 54
Class 2	9 77	2 54
Class 3	9 87	2 54
Class 4	9 92	2 54
Class 5	10 02	2 54
Zone 5:		
Class 1	10 07	2 54
Class 2	10 17	2 54
Class 3	10 27	2 54
Class 4	10 32	2 54
Class 5	10 43	2 54
Zone 6:		
Class 1	9 62	2 99
Class 2	9 72	2 99
Class 3	9 82	2 99
Class 4	9 87	2 99
Class 5	9 98	2 99

DECISION NO. MI82-2042 (Con.)	Basic Hourly Rates	Fringe Benefits
Add (Cont d):		
Laborers: Open Cut Construction:		
Contracts $400,000 or less (Cont'd):		
Zone 7:		
Class 1	$9 98	$2 54
Class 2	10 09	2 54
Class 3	10 19	2 54
Class 4	10 24	2 54
Class 5	10 34	2 54
Zone 8:		
Class 1	8 75	2 54
Class 2	8 85	2 54
Class 3	8 95	2 54
Class 4	9 00	2 54
Class 5	9 11	2 54
Zone 9:		
Class 1	7 91	2 54
Class 2	8 02	2 54
Class 3	8 12	2 54
Class 4	8 17	2 54
Class 5	8 27	2 54
Zone 10:		
Class 1	7 55	2 54
Class 2	7 66	2 54
Class 3	7 76	2 54
Class 4	7 81	2 54
Class 5	7 91	2 54
Zone 11:		
Class 1	8 88	2 54
Class 2	8 98	2 54
Class 3	9 09	2 54
Class 4	9 14	2 54
Class 5	9 19	2 54
Laborers: Tunnel, Shaft & Caisson Construction:		
Contracts $400 000 or less:		
Zone 1:		
Class 1	$11 21	$4 14
Class 2	11 30	4 14
Class 3	11 35	4 14
Class 4	11 50	4 14
Class 5	11 71	4 14
Class 6	11 97	4 14
Zone 2:		
Class 1	11 01	2 54
Class 2	11 09	2 54
Class 3	11 15	2 54
Class 4	11 30	2 54
Class 5	11 51	2 54
Class 6	11 76	2 54
Zone 3:		
Class 1	10 55	2 99
Class 2	10 63	2 99
Class 3	10 68	2 99

MODIFICATIONS P 4

DECISION NO. MI82-2042 (Cont'd)	Basic Hourly Rates	Fringe Benefits
Add (Cont'd):		
Laborers (Cont'd):		
Tuhnel, Shaft & Caisson Construction (Cont'd):		
Contracts $400,000 or less (Cont'd):		
Zone 3 (Cont'd):		
Class 4	$10 84	$2 99
Class 5	11 04	2 99
Class 6	11 30	2 99

Basic Hourly Rates	Fringe Benefits

DEFINITION OF ZONES: OPEN CUT CONSTRUCTION:
Zone 1: Macomb, Oakland and Wayne Counties
Zone 2: Livingston County (southeast part) and Washtenaw County
Zone 3: Monroe Sanilac and St Clair Counties
Zone 4: Hillsdale, Jackson and Lenawee Counties
Zone 5: Clinton Eaton, Ingham Counties; Ionia County (City of Portland) Livingston County (western part)
Zone 6: Genesee, Lapeer and Shiawassee Counties
Zone 7: Arenac, Bay, Clare, Gladwin Gratiot Huron, Isabella, Midland Ogemaw Roscommon Saginaw and Tuscola Counties
Zone 8: Allegan Barry Berrien Branch Calhoun Cass Eaton County (southwest part to City of Olivet) Kalamazoo, Lake County (eastern part) Muskegon Newaygo Oceana St Joseph and Van Buren Counties
Zone 9: Ionia County (except the City of Portland) Kent Mecosta, Montcalm, Osseola, and Ottawa Counties
Zone 10: Alcona, Alpena, Antrim, Benzie, Charlevoix Cheboygan Crawford, Emmet, Grand Traverse Iosco, Kalkaska Lake County (western part), Leelanau Manistee Mason Missaukee, Montmorency Oscoda Otsego Presque Isle Wexford Counties
Zone 11: Entire Upper Peninsula

DEFINITION OF ZONES: TUNNEL, SHAFT & CAISSON CONSTRUCTION:
Zone 1: Macomb Oakland and Wayne Counties
Zone 2: Genesee Lapeer & Shiawassee Counties
Zone 3: Remainder of State

LABORERS: OPEN CUT CONSTRUCTION

CLASSIFICATIONS:
CLASS 1 - Construction Laborers
CLASS 2 - Mortar and Material Mixer Concrete Form Man Signal Man Well Point Man, Manhole Headwall and Catch Basin Builder Guard Rail Builders and Fence Erector
CLASS 3 - Air, Gasoline and Electric Tool Operator, Vibrator Operator Drillers Pump Man Tar Kettle Operator, Bracers Rodders Reinforced Steel or Mesh Men (e g wire mesh steel mats dowel bars, etc), Cement Finisher Pipe Jacking and Boring Man, Wagon Drill and Air Track Operator and Concrete Saw Operator (under 40 h p) Windlass and Tugger Man
CLASS 4 - Trench or Excavating Grade Man
CLASS 5 - Pipe Layer (including crock metal pipe multi-plate or other conduits)

DECISION NO. MI82-2042 (Cont'd):

LABORERS: TUNNEL, SHAFT & CAISSON CONSTRUCTION

CLASSIFICATIONS:
CLASS 1 - Tunnel, Shaft and Caisson Laborer, Dump Man, Shanty Man, Hog House Tender, Testing Man (on gas)
CLASS 2 -Manhole, Headwall, Catch Basin Builder, Bricklayer Tender, Mortar Man, Material Mixer, Fence Erector and Guard Rail Builder
CLASS 3 - Air Tool Operator (jackhammer man, bush hammer man & grinding man), First Bottom Man Second Bottom Man, Cage Tender Car Pusher, Carrier Man, Concrete Man, Concrete Form Man, Concrete Repair Man, Cement Invert Laborer, Cement Finisher, Concrete Shoveler, Conveyor Man, Floor Man, Gasoline and Electric Tool Operator, Gunnite Man, Grout Operator, Pump Man, Outside Lock Tender, Scaffold Man, Top Signal Man, Switch Man, Track Man Tugger Man, Utilit Man, Vibrator Man, Winch Operator Pipe Jacking, Boring Man, Wagon Drill and Air Track Operator and Concrete Saw Operator (under 40 h p).
CLASS 4 - Tunnel,Shaft and Caisson Mucker, Bracer Man, Liner Plate Man, Long Haul Dinky Driver and Well Point Man.
CLASS 5 - Tunnel, Shaft and Caisson Miner, Drill Runner, Key Board Operator, Power Knife Operator, Reinforced Steel or Mesh Man (e g wire mesh, steel mats, dowel bars, etc)
CLASS 6 - Dynamite Man and Powder Man

	Basic Hourly Rates	Fringe Benefits
DECISION NO. NV84-5012 - MOD. #2 (49 FR 21261 - May 18, 1984) Nevada Test Site including Tonopah Test Range in Clark, Lincoln and Nye Counties, Nevada		
CHANGE:		
Carpenters:		
Carpenters; Saw Filer; Power Actuated Tools; Pneumatic Nailer	18 01	4 00
Floor layers; Power Saw Operator; Shingler	18 035	4 00
Millwrights	19 01	4 00
Piledrivermen	18 21	4 00
Ironworkers:		
Ornamental; Reinforcing; Structural	19 01	6 68
Power Equipment Operators (Except Piledriving and Steel Erection):		
Group 1	15 78	6 65
Group 2	16 02	6 65
Group 3	16 26	6 65
Group 4	16 37	6 65
Group 5	16 56	6 65
Group 6	16 66	6 65

	Basic Hourly Rates	Fringe Benefits
DECISION NO. NV84-5012 - MOD. #2 (Cont'd)		
CHANGE: (Cont'd)		
Truck Drivers:		
Group 1	$15 87	$3 43
Group 2	15 98	3 43
Group 3	16 03	3 43
Group 4	16 19	3 43
Group 5	16 37	3 43
ADD:		
Sprinkler Fitters	21 32	3%+3 23
DECISION NO. NV83-5121 - MOD. #6 (48 FR 43532 - September 23, 1983) Clark County (does not include the Nevada Test Site), Nevada		
CHANGE:		
Elevator Constructors:		
Mechanics	23 14	3 29+a
Helpers	16 20	3 29+a
Probationary Helpers	11 57	
Sprinkler	21 32	3%+3 23
DELETE:		
Electricians:		
Electricians; Technicians Cable Splicers		
ADD:		
Electricians	12 00	3%+2 36
CHANGE:		
Painters:		
Brush; Roller	19 30	2 11
Paperhangers; Spray; Steel; Swing Stage; Sandblaster; Tapers	19 65	2 11

DECISION NO. NV84-5014 - MOD. #4 (49 FR 23988 - June 8, 1984) Statewide (does not include the Nevada Test site and Tonopah Test Range, and Highway construction in Douglas County) Nevada	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Asbestos Workers:		
Area 3	$23 85	$5 61
Bricklayers; Stonemasons:		
Area 2	15 40	2 06
Electricians:		
Area 1:		
Electricians; Technicians	19 80	3%+ 5.56
Cable Splicers	20 13	3%+ 5 56
Area 2:		
Electricians; Technicians	21 28	3%+ 3.74
Cable Splicers	23 41	3% 3 74
Elevator Constructors:		
Area 1:		
Mechanics	23 14	3 29+ a
Helpers	16 20	3 29+ a
Probationary Helpers	11 57	
Area 2:		
Mechanics	29 39	3 29+ a
Helpers	20 57	3 29+ a
Probationary Helpers	14 695	
Ironworkers:		
Area 1:		
Fence Erectors; Machinery Movers; Ornamental; Reinforcing; Rigger; Structural	15 65	3 35
Plumbers; Steamfitters:		
Area 2:	18 00	6 10
Plumbers (Utility):		
Area 1:	17 04	6 10

DECISION NO. NV84-5014 - MOD. #4 (Cont'd)	Basic Hourly Rates	Fringe Benefits
Power Equipment Operators:		
Clark, Esmeralda, Lincoln and Nye Counties:		
Group 1	$17 25	$7 35
Group 2	17 53	7 35
Group 3	17 82	7 35
Group 4	17 96	7 35
Group 5	18 18	7 35
Group 6	18 29	7 35
Group 7	18 41	7 35
Group 8	18 58	7 35
Group 9	18 71	7 35
Sheet Metal Workers:		
Area 2	16 48	5 67
Painters:		
Area 1:		
Brush; Roller Paperhangers; Spray; Steel; Swing Stage; Sandblasters; Sign; Tapers; Structural Steel - Brush	$19 30	$2 11
Structural Steel - Spray; Sandblaster-Structural Steel; Buffing Steel	19 65	2 11
Steeplejack	20 00	2 11
	21 05	2 11

DECISION NO. RI83-3042 - MOD. #10 (48 FR 37809 - August 19, 1983) Statewide Rhode Island	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Building Construction:		
Marble Setters, Terrazzo Workers & Tile Setters	16 37	4 78
Heavy & Highway Construction		
Bricklayers; Stonemasons Catch Basins; Manhole Builders	14 35	4 78

DECISION NO. NY84-3036 - MOD. #1 (49 FR 36230 - Sept 14, 1984) ONONDAGA COUNTY, NEW YORK	Basic Hourly Rates	Fringe Benefits
CHANGE:		
POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION):		
Class 1	16 98	4 25+e
Class 2	16 09	4 25+e
Class 3	14 29	4 25+e
Class 4	17 48	4 25+e
Class 5	18 98	4 25+e
Class 6	17 98	4 25+e
Class 7	18 02	4.25+e
ROOFERS	15 25	3 45

DECISION NO. OK84-4050 MOD #5 (49 FR 35477 - September 7 1984)	Basic Hourly Rates	Fringe Benefits
Alfalfa, Beckham Blaine Caddo, Canadian, Carter Cleveland, Comanche, Cotton Custer, Dewey, Ellis Garfield, Garvin Grady, Grant, Greer, Harmon, Harper, Jackson, Jefferson, Johnston, Kay Kingfisher, Kiowa, Lincoln Logan Love, McClain Major, Marshall, Murray Noble, Oklahoma Payne Pontotoc, Roger Mills, Pottawatomie Seminole, Stephens, Tillman, Washita, Woods and Woodward Counties Oklahoma		
OMIT:		
ELECTRICIANS and Cable Splicers classifications & Wage Rates for Area I, Zones I,II,III		
ADD:		
AREA I		
ELECTRICIANS	15 60	1 10+9%
AREA I		
Cable Splicers	15 85	1 10+9%

DECISION NUMBER OH83-5122 - MOD. #7 (48 FR 53254 - November 25, 1983) Statewide, Ohio	Basic Hourly Rates	Fringe Benefits
Change:		
Electricians:		
Area 3	$17 74	3.2%+ 2.31
Area 12	15 64	3%+ 2 48
Line Construction:		
Area 3:		
Linemen; Line Equipment Operators	17 74	3½%+ 2.31
Truck Drivers	10 64	3½%+ 2.31
Groundmen	11 53	3½%+ 2 31

DECISION NUMBER OH83-5127 - MOD. #6 (48 FR 56903 - December 23, 1983) Adams, Allen,...Wood & Wyandot Counties, Ohio	Basic Hourly Rates	Fringe Benefits
Change:		
Electricians:		
Area 3	17 74	3.2%+ 2.31
Area 9	15 64	3%+ 2 48
Line Construction:		
Area 3:		
Linemen; Line Equipment Operators	17 74	3½%+ 2.31
Truck Drivers	10 64	3½%+ 2.31
Groundmen	11.53	3½%+ 2 31

DECISION NO. PA84-3013
MOD. NO. 2
(49 FR 20229 - May 11, 1984)
Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Cement Masons	$14 00	6 54
Electricians:		
Philadelphia (only)	18 67	28%
Ironworkers:		
Structural & Ornamental Philadelphia (only)	16 75	6 80
Rigger, machinery mover Philadelphia (only)	17 70	4 20
LABORERS:		
Group 1	13 30	3 90
Group 2	13 10	3 90
Group 3	13 00	3 90
Group 4	13 15	3 90
Group 5	13 90	3 90
Group 6	13 55	3 90
Group 7	13 40	3 90
Group 8	13 25	3 90
Millwrights:		
Philadelphia (only)	16 32	5 61
Piledrivermen	15 97	6.81+ d
POWER EQUIPMENT OPERATORS:		
Heavy Construction		
Wage Group 1	17 82	26 6%+e
Wage Group 2	17 56	26 6%+e
Wage Group 3	16 10	26 6%+e
Wage Group 4	15 79	26 6%+e
Wage Group 5	14 02	26 6%+e
Wage Group 6	13 51	26 6%+e
Highway Construction, and Water Lines Construction (Off Plant Site)		
Group 1	17 57	26 6%+e
Group 2	17 35	26 6%+e
Group 3	15 83	26 6%+e
Group 4	15 46	26 6%+e
Group 5	13 87	26 6%+e
Group 6	13 52	26 6%+e

DECISION NO. OR84-5020 - Mod #4
(49 FR 25821 - June 22, 1984)
Statewide Oregon

	Basic Hourly Rates	Fringe Benefit
OMIT:		
LABORERS, POWER EQUIPMENT OPERATORS & TRUCK DRIVERS: All projects involving the construction, alteration, or repair of buildings, bridges, or other structures under $1 5 million not including the cost of utilities; and all projects other than the above, under $1 million excluding the cost of utilities (rates remain unchanged)		
ADD:		
FOOTNOTE: (Page 5 of Decision)		
C. CARPENTERS; MASON TENDERS; PLASTERER'S TENDERS; LABORERS; POWER EQUIPMENT OPERATORS; and TRUCK DRIVERS: All projects with a total value, including the cost of utilities, of less than $1 million; or projects which involve work on buildings, bridges, or docks and meet both of the following criteria: (a) The total cost of the project is less than $1 5 million excluding the cost of underground utilities which are located 5 ft or more outside of or away from the building, bridge, or dock and which are incidental or subordinate to it. "Utilities" are facilities for electricity, water, gas, sewerage (including storm) and communications Employees shall be paid 60% of the basic hourly rate plus full fringes All other work shall be paid at 100%		

DECISION NO. VT84-3029 - MOD. #1
(49 FR 38456 - September 28, 1984)
Statewide, Vermont

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ADDISION COUNTY:		
POWER EQUIPMENT OPERATORS:		
Broom	7 20	90+b
Gradall	8 20	60+b
CALEDONIA COUNTY:		
CARPENTERS	7 72	
ESSEX COUNTY:		
LABORERS:		
Laborers	6 03	a
FRANKLIN COUNTY:		
POWER EQUIPMENT OPERATORS:		
Compactor	7 75	90+b
Grader	7 95	90+b
GRANDE ISLE COUNTY:		
POWER EQUIPMENT OPERATORS:		
Grader	7 95	90+b
ORANGE COUNTY:		
LABORERS:		
Blasters	7 25	a
POWER EQUIPMENT OPERATORS:		
Bulldozers	8 20	90+b
Compactor	2 20	90+b
Crane	8 20	90+b
ORLEANS COUNTY:		
LABORERS:		
Laborers	6 03	a
POWER EQUIPMENT OPERATORS:		
Compactor	7 75	90+b
WASHINGTON COUNTY:		
POWER EQUIPMENT OPERATORS:		
Bituminous Planer	7 75	90+b
WINDHAM COUNTY:		
POWER EQUIPMENT OPERATORS:		
Compactor	8 65	90+b

DECISION NO. WI84-5030 - MOD. #1
(49 FR 10-19-84)
Milwaukee, Ozaukee, Waukesha and Washington Counties

	Basic Hourly Rates	Fringe Benefits
Change:		
Laborers:		
Landscapers	$ 9 00	2 31

DECISION NO. TN84-1024
Mod # 1
(49 FR 34645 - August 31, 1984)
Anderson, Knox, Monroe & Roane Counties, Tennessee

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
BRICKLAYERS, STONEMASONS, MARBLE MASONS, TILE SETTERS & TERRAZZO WORKERS:		
Anderson, Knox & Monroe & Roane (Oak Ridge A E C area only)Cos	$14 28	76
Roane Co (Remainder of County)	14 67	1 57

DECISION NO. WI83-2041 - MOD. #5
(48 FR 21811 - May 13, 1983)
Statewide Wisconsin

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Laborer: Landscaper		
Area 1: Bayfield, Burnett, Douglas, Iron, Racine, Sawyer, and Washburn Counties	$9 00	$2 25
Area 2: Kenosha County	9 00	2 75
Area 3: Milwaukee, Ozaukee, Washington, and Waukesha Counties	9 00	2 31
Area 4: Remaining Counties	9 00	1 75

SUPERSEDEAS DECISION

STATE: Nebraska

COUNTIES: Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheridan & Sioux

DECISION NO.: NE84-4103 DATE: Date of Publication

Supersedes Decision No. NE82-4040, dated August 6, 1982, in 47 FR 34300

DESCRIPTION OF WORK: Building Construction Projects (including Residential)

	BASIC HOURLY RATE	FRINGE BENEFITS
CARPENTERS	$ 9 32	
CEMENT MASONS	6 52	
ELECTRICIANS	9 00	
GLAZIERS	7 00	
LABORERS:		
General	5 25	
Air tool operators	6 00	
PAINTERS	9 00	
PLUMBERS & PIPEFITTERS	10 35	
ROOFERS	6 25	
SHEET METAL WORKERS	10 14	
SOFT FLOOR LAYERS	10 00	
TRUCK DRIVERS	7 00	
POWER EQUIPMENT OPERATORS:		
Bulldozers	8 00	
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental		

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR § 5(a)(1)(ii)

SUPERSEDEAS DECISION

STATE: Wisconsin COUNTY: Kenosha

DECISION NUMBER: WI84-5027 DATE: Date of Publication

Supersedes Decision No. WI83-2061 dated August 5, 1983, in 48 FR 35850

DESCRIPTION OF WORK: Building and Residential Construction Projects

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$17 10	2 88
BOILERMAKERS	17 345	3 25
BRICKLAYERS and STONEMASONS	15 47	2 35
CARPENTERS, SOFT FLOOR LAYERS	14 41	2 26
Lathers	15 11	2 36
Millwrights	14 73	2 26
Piledrivermen	14 50	2 26
CEMENT MASONS	13 32	2,05
ELECTRICIANS	17 50	.80+ 3%
ELEVATOR CONSTRUCTORS:		
Mechanics	17 08	3 00
Helpers	11 96	3 00
Probationary Helpers	8.54	
IRONWORKERS:		
Structural, Ornamental and Reinforcing	14,81	5,55
PAINTERS:		
Brush	12 68	2 55
Structural steel	12,83	2,55
Swing Stage	12 83	2 55
Spray and Sandblaster	13 43	2 55
PLASTERERS	12,91	1,65
PLUMBERS AND PIPEFITTERS	15 86	3 81
ROOFERS	14 07	1 90
SHEET METAL WORKERS	15 16	3 76
TERRAZZO WORKERS	14 60	3 88
TILE SETTERS	13,66	2,35

	Basic Hourly Rates	Fringe Benefits
LABORERS:		
General	$11 62	$2 88
Plaster Tender	11 77	2 28
Air and Electric Tool Operator	11 92	2 28
Jackhammer Operator	12 32	2 28
POWER EQUIPMENT OPERATORS:		
Group 1	15 72	3 42
Group 2	15 22	3 42
Group 3	14 44	3 42
Group 4	13 88	3 42
Group 5	13 41	3 42
WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.		

POWER EQUIPMENT OPERATORS (Classifications)

Group 1 - Cranes, shovels, draglines, backhoes, clamshells, derricks caisson rigs, pile driver, skid rigs, dredge operator and traveling crane (bridge type), concrete paver (over 27E), concrete spreader and distributor

Group 2 - Concrete and grout pumps, material hoists, stack hoists, tractor or truck mounted hydraulic backhoe, tractor or truck mounted hydraulic crane (10 tons or under), manhoists, tractor (over 40 h p), bulldozer (over 40 h.p.), endloader (over 40 h p), motor patrol, scraper operator, sideboom, straddle carrier, mechanic and welder , , bituminous plant and paver operator, roller (over 5 tons), rail level-machine (railroad), tie placer tie extractor, tie tamper, stone leveler, rotary drill operator and blaster, percussion drilling machine, trencher (wheel type or chain type having over 8-inch bucket), elevator

Group 3 - Backfiller, concrete auto breaker (large), concrete finishing machines (road type), roller (rubber tire), concrete batch hopper, concrete mixers (14S or over), screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 h p), pumps (well points), trencher (chain type having bucket 8-inch and under), industrial locomotives, roller (under 5 tons) and fireman (pile drivers and derricks), hoists (automatic), forklift (over 12'), tampers-compactors (riding type), assistant engineer, "A" frames and winch trucks, concrete auto breaker, hydrohammers (small), brooms and sweeper, hoists (tuggers), stump chipper (large), boats (tug, safety, work barges and launch)

Group 4 - Shouldering machine operator, screed operator, farm or industrial tractor mounted equipment, post hole digger, stone crushers and screening plants, fireman (asphalt plants), air compressor (400 CFM or over), augers (vertical and horizonal), air electric, hydraulic jacks (slip form) prestress machine, skid steer loader, boiler operators (temporary heat), forklift (12' and under)

Group 5 - Generators over 150 KW, pumps over 3", combination small equipment operator, compressors (under 400 CFM), welding machines, heaters (mechanical), generators (under 150 KW), pumps (3" and under), winches (small electric) Oiler and greaser, conveyor

Unlisted classifications needed for work not included within the scope of the classification listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5 5 (a)(1)(ii))

SUPERSEDEAS DECISION

STATE: Wisconsin COUNTIES: Chippewa, Eau Claire, and Pepin

DECISION NUMBER: WI84-5033 DATE: Date of Publication

Supersedes Decision No. WI83-2079 dated October 7, 1983 in 48 FR 45920

DESCRIPTION OF WORK: Building Construction including Residential

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$18 32	3 65
BOILERMAKERS	17 345	3 25
BRICKLAYERS	15 90	1 54
CARPENTERS, LATHERS & SOFT FLOOR LAYERS	13 61	2 21
CARPENTERS RESIDENTIAL	9 26	1 83
CEMENT MASONS	15 90	1.54
ELECTRICIANS	15 48	15½%
ELECTRICIANS, RESIDENTIAL	9 61	1.24+7½%
ELEVATOR CONSTRUCTORS	16 43	2 69
Helpers	11 50	2 69
Probationary Helpers	8 215	
IRONWORKERS	17 10	2 39
GLAZIERS	17 65	1 31
LABORERS:		
General	12 22	1 68
Mason Tenders	12 47	1 68
Jackhammer Operator	12 52	1 68
LINE CONSTRUCTION:		
Linemen	16 09	1.00+9½%
Heavy Equipment Operators	14 48	1.00+9½%
Light Equipment Operators	12 87	1.00+9½%
Heavy Groundman - Truck Drivers	11 26	1.00+9½%
Light Groundman - Truck Drivers	10 46	1.00+9½%
Groundmen	8 85	1.00+9½%
MILLWRIGHTS & PILEDRIVERMEN	14 01	2 21
PAINTERS:		
Brush	13 00	15+5%
Spray and Sandblasting	13 50	15+5%
Structural Steel	14 00	.15+5%
PLUMBERS & STEAMFITTERS	14 17	3 65
ROOFERS	14 27	
SHEET METAL WORKERS	15 67	2.00+3%
TRUCK DRIVERS:		
2 Axle	12 30	50 00 per wk
3 or more Axles	12 40	50 00 per wk
PLASTERERS	14 01	2 24
POWER EQUIPMENT OPERATORS:		
Group 1	15 72	3 42
Group 2	15 22	3 42
Group 3	14 44	3 42
Group 4	13 88	3 42
Group 5	13 41	3 42
PLUMBERS RESIDENTIAL	10 95	3 65
WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental		

POWER EQUIPMENT OPERATORS (Classifications)

Group 1 - Cranes, shovels, draglines, backhoes, clamshells, derricks caisson rigs, pile driver, skid rigs, dredge operator and traveling crane (bridge type), concrete paver (over 27E), concrete spreader and distributor

Group 2 - Concrete and grout pumps, material hoists, stack hoists, tractor or truck mounted hydraulic backhoe, tractor or truck mounted hydraulic crane (10 tons or under), manhoists, tractor (over 40 h p), bulldozer (over 40 h.p.), endloader (over 40 h p), motor patrol, scraper operator, sideboom, straddle carrier, mechanic and welder , bituminous plant and paver operator, roller (over 5 tons), rail level-machine (railroad), tie placer tie extractor, tie tamper, stone leveler, rotary drill operator and blaster, percussion drilling machine, trencher (wheel type of chain type having over 8-inch bucket), elevator

Group 3 - Backfiller, concrete auto breaker (large), concrete finishing machines (road type), roller (rubber tire), concrete batch hopper, concrete mixers (14S or over), screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 h p), pumps (well points), trencher (chain type having bucket 8-inch and under), industrial locomotives, roller (under 5 tons) and fireman (pile drivers and derricks), hoists (automatic), forklift (over 12'), tampers-compactors (riding type), assistant engineer, "A" frames and winch trucks, concrete auto breaker, hydrohammers (small), brooms and sweeper, hoists (tuggers), stump chipper (large), boats (tug, safety, work barges and launch)

Group 4 - Shouldering machine operator, screed operator, farm or industrial tractor mounted equipment, post hole digger, stone crushers and screening plants, fireman (asphalt plants), air compressor (400 CFM or over), augers (vertical and horizonal), air electric, hydraulic jacks (slip form) prestress machine, skid steer loader, boiler operators (temporary heat), forklift (12' and under)

Group 5 - Generators over 150 KW, pumps over 3", combination small equipment operator, compressors (under 400 CFM), welding machines, heaters (mechanical), generators (under 150 KW), pumps (3" and under), winches (small electric) Oiler and greaser, conveyor

Unlisted classifications needed for work not included within the scope of the classification listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

SUPERSEDEAS DECISION

STATE: Wisconsin Counties: Green & Rock
DECISION NUMBER: WI84-5034 DATE: Date of Publication
Supersedes Decision No WI83-2080 dated October 7, 1983 in 48 FR 45921
DESCRIPTION OF WORK: Building construction (excluding single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$17 10	2 94
BOILERMAKERS	17 345	3 25
BRICKLAYERS & STONEMASONS		
Contract over $850,000	14 08	2 55
Contract $850,000 or less	10 78	2 55
CARPENTERS & SOFT FLOOR LAYERS	15 69	2 51
Millwrights	15 84	2 51
Piledrivermen	16 29	2 51
CEMENT MASONS	14 60	2.85
ELECTRICIANS	15,92	,87+ 13 2%
ELEVATOR CONSTRUCTORS:		
Southern Portion	17,025	2 435
Northern Portion	15,88	3 00
ELEVATOR CONSTRUCTORS' HELPERS:		
Southern Portion	11,92	2,435
Northern Portion	11 12	3 00
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)		
Southern Portion	8 51	
Northern Portion	7,94	
GLAZIERS:		
Northern 2/3 of Cos	15 08	1 58
Southern 1/3 of Cos	13,43	2,79
IRONWORKERS:		
Vic of Edgerton, Milton, Pollville & Evansville	14,08	3,00
Vic of Jonesville, Shapier	17,02	5,665
LABORERS:		
General	11,37	1,43
Mortar Mixers	11 62	1 43
LINE CONSTRUCTION:		
Linemen	16,09	1,00+ 9½%
Heavy Equipment Op	14 48	1.00+ 9½%
Light Equipment Op	12,87	1,00+ 9½%
Heavy Groundman Truck Driver	11,26	1,00+ 9½%

	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION (CONT'D):		
Light Groundman Truck Driver	10 46	1.00+ 9½%
Groundmen	8 85	1.00+ 9½%
PAINTERS:		
Brush	13 10	1 75
Structural Steel, Spray	14 10	1 75
Swing Stage	13 35	1 75
PLASTERERS	12 90	2 85
PLUMBERS & STEAMFITTERS	17 25	2 21
ROOFERS	16 97	1.68
SHEET METAL WORKERS	16 80	3%+ 2 02
TILE SETTERS	13 83	2 47
POWER EQUIPMENT OPERATORS:		
Group 1	15 72	3 42
Group 2	15 22	3 42
Group 3	14 44	3 42
Group 4	13 88	3 42
Group 5	13 41	3 42
WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.		

POWER EQUIPMENT OPERATORS (Classifications)

Group 1 - Cranes, shovels, draglines, backhoes, clamshells, derricks caisson rigs, pile driver, skid rigs, dredge operator and traveling crane (bridge type), concrete paver (over 27E), concrete spreader and distributor

Group 2 - Concrete and grout pumps, material hoists, stack hoists, tractor or truck mounted hydraulic backhoe, tractor or truck mounted hydraulic crane (10 tons or under), manhoists, tractor (over 40 h p), bulldozer (over 40 h.p.), endloader (over 40 h p), motor patrol, scraper operator, sideboom, straddle carrier, mechanic and welder , bituminous plant and paver operator, roller (over 5 tons), rail level-machine (railroad), tie placer tie extractor, tie tamper, stone leveler, rotary drill operator and blaster, percussion drilling machine, troncher (wheel type or chain type having over 8-inch bucket), elevator

Group 3 - Backfiller, concrete auto breaker (large), concrete finishing machines (road type), roller (rubber tire), concrete batch hopper, concrete mixers (14S or over), screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 h p), pumps (well points), trencher (chain type having bucket 8-inch and under), industrial locomotives, roller (under 5 tons) and fireman (pile drivers and derricks), hoists (automatic), forklift (over 12'), tampers-compactors (riding type), assistant engineer, "A" frames and winch trucks, concrete auto breaker, hydrohammers (small), brooms and sweeper, hoists (tuggers), stump chipper (large), boats (tug, safety, work barges and launch)

Group 4 - Shouldering machine operator, screed operator, farm or industrial tractor mounted equipment, post hole digger, stone crushers and screening plants, fireman (asphalt plants), air compressor (400 CFM or over), augers (vertical and horizonal), air electric, hydraulic jacks (slip form) prestress machine, skid steer loader, boiler operators (temporary heat), forklift (12' and under)

Group 5 - Generators over 150 KW, pumps over 3", combination small equipment operator, compressors (under 400 CFM), welding machines, heaters (mechanical), generators (under 150 KW), pumps (3" and under), winches (small electric) Oiler and greaser, conveyor

Unlisted classifications needed for work not included within the scope of the classification listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5 5 (a)(1)(ii)).

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Vol. 49, No. 214
Friday, November 2, 1984

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FEDERAL REGISTER PAGES AND DATES, NOVEMBER

PARTS AFFECTED DURING NOVEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

LIST OF PUBLIC LAWS

Last List October 16, 1984
This is a continuing list of public bills from the current

session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (phone 202-275-3030).

H.R. 3979/Pub. L. 98-474
Comprehensive Smoking Education Act. (Oct. 12, 1984; 98 Stat. 2200) Price: $1.00

H.J. Res. 654/Pub. L. 98-475
Increasing the statutory limit on the public debt. (Oct. 13, 1984; 98 Stat. 2206) Price: $1.00

S.J. Res. 332/Pub. L. 98-476
To proclaim October 16, 1984, as "World Food Day" (Oct. 15, 1984; 98 Stat. 2207) Price: $1.00

H.R. 5164/Pub. L. 98-477
Central Intelligence Agency Information Act. (Oct. 15, 1984; 98 Stat. 2209) Price: $1.00

H.R. 2838/Pub. L. 98-478
Federal Timber Contract Payment Modification Act. (Oct. 16, 1984; 98 Stat. 2213) Price: $1.00

S. 2819/Pub. L. 98-479
Housing and Community Development Technical Amendments Act of 1984. (Oct. 17, 1984; 98 Stat. 2218) Price: $1.25

H.R. 2878/Pub. L. 98-480
To amend and extend the Library Services and Construction Act. (Oct. 17, 1984; 98 Stat. 2236) Price: $1.00

H.R. 5540/Pub. L. 98-481
Coos, Lower Umpqua, and Siuslaw Restoration Act. (Oct. 17, 1984; 98 Stat. 2250) Price: $1.00

H.R. 3697/Pub. L. 98-482
Fire Island National Seashore Amendments Act of 1984. (Oct. 17, 1984; 98 Stat. 2255) Price: $1.00

H.R. 2889/Pub. L. 98-483
To amend the National Historic Preservation Act, and for other purposes. (Oct. 17, 1984; 98 Stat. 2258) Price: $1.00

H.R. 3601/Pub. L. 98-484
To modify the boundary of the Pike National Forest in the State of Colorado, and for other purposes. (Oct. 17, 1984; 98 Stat. 2259) Price: $1.00

H.R. 4932/Pub. L. 98-485
To withdraw certain public lands in Lincoln County, Nevada, and for other purposes.. (Oct. 17, 1984; 98 Stat. 2261) Price: $1.00

H.R. 4994/Pub. L. 98-486
To exempt from taxation by the District of Columbia certain property of the Jewish War Veterans, U.S.A. National Memorial, Incorporated. (Oct. 17, 1984; 98 Stat. 2263) Price: $1.00

H.R. 5223/Pub. L. 98-487
To amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to exempt restaurant central kitchens under certain conditions from Federal inspection requirements. (Oct. 17, 1984; 98 Stat. 2264) Price: $1.00

H.R. 5513/Pub. L. 98-488
To designate the Delta States Research Center in Stoneville, Mississippi, as the "Jamie Whitten Delta States Research Center" (Oct. 17, 1984; 98 Stat. 2266) Price $1.00

H.R. 5631/Pub. L. 98-489
To provide for the acquisition of a visitor contact and administrative site for the Big Thicket National Preserve in the State of Texas. (Oct. 17, 1984; 98 Stat. 2267) Price $1.00

H.R. 5782/Pub. L. 98-490
Granting the consent of Congress to an amendment to the Delaware River Basin Compact. (Oct. 17, 1984; 98 Stat. 2268) Price $1.00

H.R. 5818/Pub. L. 98-491
Toy Safety Act of 1984. (Oct. 17, 1984; 98 Stat. 2269) Price $1.00

H.R. 5997/Pub. L. 98-492
To designate the United States Post Office and Courthouse in Pendleton, Oregon, as the "John F Kilkenny United States Post Office and Courthouse" (Oct. 17, 1984; 98 Stat. 2271) Price $1.00

H.R. 6223/Pub. L. 98-493
To amend the Act providing for the incorporation of certain persons as Group Hospitalization, Inc. (Oct. 17, 1984; 98 Stat. 2272) Price $1.00

S. 416/Pub. L. 98-494
To amend the Wild and Scenic Rivers Act by designating a segment of the Illinois River in Oregon and the Owyhee River in Oregon as components of the National Wild and Scenic Rivers System, and for other purposes. (Oct. 19, 1984; 98 Stat. 2274) Price $1.00

S. 566/Pub. L. 98-495
To direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain tracts of land conveyed to the South Carolina State Commission of Forestry, and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such land to such Commission, and for other purposes. (Oct. 19, 1984; 98 Stat. 2276) Price $1.00

S. 648/Pub. L. 98-496
To facilitate the exchange of certain lands in South Carolina.(Oct. 19, 1984; 98 Stat. 2279) Price $1.00

S. 905/Pub. L. 98-497
National Archives and Records Administration Act of 1984. (Oct. 19, 1984; 98 Stat. 2280) Price $1.00

S. 1102/Pub. L. 98-498
To provide authorization of appropriations for title III of the Marine Protection, Research, and Sanctuaries Act of 1972, and for other purposes. (Oct. 19, 1984; 98 Stat. 2296) Price $1.00

S. 1146/Pub. L. 98-499
Aviation Drug-Trafficking Control Act. (Oct. 19, 1984; 98 Stat. 2312) Price $1.00

S. 1151/Pub. L. 98-500
Old Age Assistance Claims Settlement Act. (Oct. 19, 1984; 98 Stat. 2317) Price $1.00

S. 1330/Pub. L. 98-501
To establish a National Council on Public Works Improvement to prepare three annual reports on the state of the Nation's infrastructure, to amend the provisions of title 31, United States Code, relating to the President's budget to require it to separately identify and summarize the capital investment expenditures of the United States, and for other purposes. (Oct. 19, 1984; 98 Stat. 2320) Price $1.00

S. 1510/Pub. L. 98-502
Single Audit Act of 1984. (Oct. 19, 1984; 98 Stat. 2327) Price $1.00

S. 1688/Pub. L. 98-503
To amend the Act of October 18, 1972, to authorize additional authorization of appropriations for Sitka National Historical Park, Alaska. (Oct. 19, 1984; 98 Stat. 2335) Price $1.00

S. 1790/Pub. L. 98-504
To authorize the Secretary of the Interior to enter into contracts or cooperative agreements with the Art Barn Association to assist in the preservation and interpretation of the Art Barn in Rock Creek Park in the District of Columbia, and for other purposes. (Oct. 19, 1984; 98 Stat. 2336) Price $1.00

S. 1868/Pub. L. 98-505
To add $2,000,000 to the budget ceiling for new acquisitions at Sleeping Bear Dunes National Lakeshore. (Oct. 19, 1984; 98 Stat. 2337) Price $1.00

S. 1889/Pub. L. 98-506
To amend the Act authorizing the establishment of the Congaree Swamp National Monument to provide that at such time as the principal visitor center is established, such center shall be designated as the "Harry R. E. Hampton Visitor Center", and for other purposes. (Oct. 19, 1984; 98 Stat. 2338) Price $1.00

S. 2048/Pub. L. 98-507
National Organ Transplant Act. (Oct. 19, 1984; 98 Stat. 2339) Price $1.00

S. 2125/Pub. L. 98-508
Arkansas Wilderness Act of 1984. (Oct. 19, 1984; 98 Stat. 2349) Price $1.00

S. 2303/Pub. L. 98-509
Alcohol Abuse, Drug Abuse, and Mental Health Amendments of 1984. (Oct. 19, 1984; 98 Stat. 2353) Price: $1.00

S. 2483/Pub. L. 98-510
To rename Dulles International Airport in Virginia as the "Washington Dulles International Airport" (Oct. 19, 1984; 98 Stat. 2365) Price: $1.00

S. 2496/Pub. L. 98-511
Education Amendments of 1984. (Oct. 19, 1984; 98 Stat. 2366) Price: $1.75

S. 2616/Pub. L. 98-512
To revise and extend the programs of assistance under titles X and XX of the Public Health Service Act. (Oct. 19,

1984; 98 Stat. 2409) Price: $1.00

S. 2663/Pub. L. 98-513
Pertaining to the inheritance of trust or restricted land on the Lake Traverse Indian Reservation, North Dakota and South Dakota, and for other purposes. (Oct. 19, 1984; 98 Stat. 2411) Price: $1.00

S. 2773/Pub. L. 98-514
Georgia Wilderness Act of 1984. (Oct. 19, 1984; 98 Stat. 2416) Price: $1.00

S. 2808/Pub. L. 98-515
Mississippi National Forest Wilderness Act of 1984. (Oct. 19, 1984; 98 Stat. 2420) Price: $1.00

S.J. Res. 80/Pub. L. 98-516
To grant posthumously full rights of citizenship to William Penn and to Hannah Callowhill Penn. (Oct. 19, 1984; 98 Stat. 2423) Price: $1.00

S.J. Res. 259/Pub. L. 98-517
To designate the week of November 12, 1984, through November 18, 1984, as "National Reye's Syndrome Week" (Oct. 19, 1984; 98 Stat. 2424) Price: $1.00

S.J. Res. 299/Pub. L. 98-518
To designate November 1984, as National Diabetes Month. (Oct. 19, 1984; 98 Stat. 2426) Price: $1.00

S.J. Res. 309/Pub. L. 98-519
Authorizing and requesting the President to designate January 1985 as "National Cerebral Palsy Month" (Oct. 19, 1984; 98 Stat. 2427) Price: $1.00

H.R. 2372/Pub. L. 98-520
To recognize the organization known as the Navy Wives Clubs of America. (Oct. 19, 1984; 98 Stat. 2428) Price: $1.00

H.R. 3401/Pub. L. 98-521
To designate the United States Post Office and Courthouse located at 245 East Capital Street in Jackson, Mississippi, as the "James O. Eastland United States Courthouse" (Oct. 19, 1984; 98 Stat. 2431) Price: $1.00

H.R. 3402/Pub. L. 98-522
To designate that hereafter the Federal building at 100 West Capital Street in Jackson, Mississippi, will be known as the Doctor A. H. McCoy Federal Building. (Oct. 19, 1984; 98 Stat. 2432) Price: $1.00

H.R. 4025/Pub. L. 98-523
To authorize the Administrator of General Services to transfer to the Smithsonian Institution without reimbursement the General Post Office Building and the site thereof located in the District of Columbia, and for other purposes. (Oct. 19, 1984; 98 Stat. 2433) Price: $1.00

H.R. 4164/Pub. L. 98-524
Carl D. Perkins Vocational Education Act. (Oct. 19, 1984; 98 Stat. 2435) Price: $2.00

H.R. 5167/Pub. L. 98-525
Department of Defense Authorization Act, 1985. (Oct. 19, 1984; 98 Stat. 2492) Price: $4.25

H.R. 5183/Pub. L. 98-526
To direct the Secretary of Agriculture to convey certain National Forest System lands to Craig County, Virginia. (Oct. 19, 1984; 98 Stat. 2661) Price: $1.00

H.R. 5603/Pub. L. 98-527
Developmental Disabilities Act of 1984. (Oct. 19, 1984; 98 Stat. 2662) Price: $1.25

H.R. 5618/Pub. L. 98-528
Veterans' Health Care Act of 1984. (Oct. 19, 1984; 98 Stat. 2686) Price: $1.00

H.R. 5787/Pub. L. 98-529
To remove an impediment to oil and gas leasing of certain Federal lands in Corpus Christi, Texas, and Port Hueneme, California, and for other purposes. (Oct. 19, 1984; 98 Stat. 2697) Price: $1.00

H.R. 6206/Pub. L. 98-530
Relating to the water rights of the Ak-Chin Indian Community. (Oct. 19, 1984; 98 Stat. 2698) Price: $1.00

H.R. 6216/Pub. L. 98-531
To amend the Bankruptcy Amendments and Federal Judgeship Act of 1984 to make technical corrections with respect to the retirement of certain bankruptcy judges, and for other purposes. (Oct. 19, 1984; 98 Stat. 2704) Price: $1.00

H.R. 6225/Pub. L. 98-532
To prevent disruption of the structure and functioning of the Government by ratifying all reorganization plans as a matter of law. (Oct. 19, 1984; 98 Stat. 2705) Price: $1.00

H.R. 6311/Pub. L. 98-533
1984 Act to Combat International Terrorism. (Oct. 19, 1984; 98 Stat. 2706) Price: $1.00

H.J. Res. 462/Pub. L. 98-534
Authorizing the Law Enforcement Officers Memorial Fund to establish a memorial in the District of Columbia or its environs. (Oct. 19, 1984; 98 Stat. 2712) Price: $1.00

H.J. Res. 551/Pub. L. 98-535
Providing for reappointment of Anne Legendre Armstrong as a citizen regent of the Smithsonian Institution. (Oct. 19, 1984; 98 Stat. 2713) Price: $1.00

H.J. Res. 552/Pub. L. 98-536
Providing for reappointment of A. Leon Higginbotham, Junior, as a citizen regent of the Smithsonian Institution. (Oct. 19, 1984; 98 Stat. 2714) Price: $1.00

H.J. Res. 580/Pub. L. 98-537
Authorizing the Kahlil Gibran Centennial Foundation to establish a memorial in the District of Columbia or its environs. (Oct. 19, 1984; 98 Stat. 2715) Price: $1.00

H.J. Res. 638/Pub. L. 98-538
Designating October 1984 as "National Head Injury Awareness Month" (Oct. 19, 1984; 98 Stat. 2716) Price: $1.00

H.J. Res. 655/Pub. L. 98-539
Designating February 16, 1985, as "Lithuanian Independence Day" (Oct. 19, 1984; 98 Stat. 2717) Price: $1.00

S. 864/Pub. L. 98-540
To amend the Volunteers in the Parks Act of 1969, and for other purposes. (Oct. 24, 1984; 98 Stat. 2718) Price: $1.00

H.R. 1438/Pub. L. 98-541
To provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes. (Oct. 24, 1984; 98 Stat. 2721) Price: $1.00

H.R. 1961/Pub. L. 98-542
Veterans' Dioxin and Radiation Exposure Compensation Standards Act. (Oct. 24, 1984; 98 Stat. 2725) Price: $1.00

H.R. 5688/Pub. L. 98-543
Veterans' Benefits Improvement Act of 1984. (Oct. 24, 1984; 98 Stat. 2735) Price: $1.00

H.R. 6027/Pub. L. 98-544
Local Government Antitrust Act of 1984. (Oct. 24, 1984; 98 Stat. 2750) Price: $1.00

S. 2583/Pub. L. 98-545
To authorize United States participation in the Office International de la Vigne et du Vin (the International Office of the Vine and Wine). (Oct. 25, 1984; 98 Stat. 2752) Price: $1.00

S. 2947/Pub. L. 98-546
To designate the lock and dam on the Warrior River in Hale County, Alabama, as the "Armistead I. Selden Lock and Dam" (Oct. 25, 1984; 98 Stat. 2753) Price: $1.00

H.R. 6257/Pub. L. 98-547
Motor Vehicle Theft Law Enforcement Act of 1984. (Oct. 25, 1984; 98 Stat. 2754) Price: $1.25

H.R. 5271/Pub. L. 98-548
To extend the Wetlands Loan Act. (Oct. 26, 1984; 98 Stat. 2774) Price: $1.00